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Legislative History – Montana Session Law

Chapter: 386 Session L: 2021
Bill Number: HB 333

Checklist of Bill History

History and Final Status Sheet



Introduced Bill



Fiscal Note



Third Reading Bill



Final Version of Bill



House	Senate
Committee: Judiciary	Committee: Judiciary
Hearing Date(s): 2/18/2021	Hearing Date(s): 3/19/2021
Committee Report: 2/24/21	Committee Report: 3/23/2021

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 11/21/2024

Notes: Audio/Video recordings can be found here:

<https://sg001-harmony.sliq.net/00309/Harmony/en>

Thank you!



AN ACT REVISING LAWS RELATED TO SEXUAL AND VIOLENT OFFENDERS; PROVIDING THAT INDIVIDUALS CONVICTED OF A CRIME REQUIRING THEM TO REGISTER AS A SEXUAL OR VIOLENT OFFENDER ARE SUBJECT TO THE CRIME OF UNLAWFUL POSSESSION OF A FIREARM BY A CONVICTED PERSON AND MAY NOT POSSESS FIREARMS; AND AMENDING SECTION 45-8-313, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-313, MCA, is amended to read:

"45-8-313. Unlawful possession of firearm by convicted person. (1) A person commits the offense of unlawful possession of a firearm by a convicted person if the person purposely or knowingly purchases or possesses a firearm after the person has been convicted of:

- (a) a felony for which the person received an additional sentence under 46-18-221; ~~or~~
- (b) an offense under the law of another state or of the United States that is equivalent to an offense that when committed in Montana is subject to an additional sentence under 46-18-221; or
- (c) a felony for which the person is currently required to register for the sexual or violent offender registry.

(2) A person convicted of unlawful possession of a firearm by a convicted person shall be imprisoned in a state prison for not less than 2 years or more than 10 years.

(3) A person who has been issued a permit under 45-8-314 may not be convicted of a violation of this section."

- END -

I hereby certify that the within bill,
HB 333, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 333

INTRODUCED BY B. USHER

AN ACT REVISING LAWS RELATED TO SEXUAL AND VIOLENT OFFENDERS; PROVIDING THAT INDIVIDUALS CONVICTED OF A CRIME REQUIRING THEM TO REGISTER AS A SEXUAL OR VIOLENT OFFENDER ARE SUBJECT TO THE CRIME OF UNLAWFUL POSSESSION OF A FIREARM BY A CONVICTED PERSON AND MAY NOT POSSESS FIREARMS; AND AMENDING SECTION 45-8-313, MCA.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
04/30/21	Chapter Number Assigned				
04/29/21	(H) Signed by Governor				
04/22/21	(H) Transmitted to Governor				
04/21/21	(S) Signed by President				
04/21/21	(H) Signed by Speaker				
04/20/21	(C) Printed - Enrolled Version Available				
04/20/21	(H) Returned from Enrolling				
04/14/21	(H) Sent to Enrolling				
04/14/21	(H) 3rd Reading Passed as Amended by Senate		94	3	
04/14/21	(H) Scheduled for 3rd Reading				
04/13/21	(H) 2nd Reading Senate Amendments Concurred		100	0	
04/13/21	(H) Scheduled for 2nd Reading				
03/29/21	(S) Returned to House with Amendments				
03/29/21	(S) 3rd Reading Concurred		50	0	
03/29/21	(S) Scheduled for 3rd Reading				
03/26/21	(S) 2nd Reading Concurred		50	0	
03/26/21	(S) Scheduled for 2nd Reading				
03/23/21	(C) Printed - New Version Available				
03/23/21	(S) Committee Report--Bill Concurred as Amended	(S) Judiciary			
03/23/21	(S) Committee Executive Action--Bill Concurred as Amended	(S) Judiciary	11	0	
03/19/21	(S) Hearing	(S) Judiciary			
03/08/21	(S) Referred to Committee	(S) Judiciary			
03/08/21	(S) First Reading				
03/02/21	(H) Transmitted to Senate				
03/02/21	(H) 3rd Reading Passed		88	11	
03/02/21	(H) Scheduled for 3rd Reading				
03/01/21	(H) 2nd Reading Passed		89	10	
03/01/21	(H) Scheduled for 2nd Reading				
02/25/21	(C) Printed - New Version Available				
02/25/21	(H) Committee Report--Bill Passed as Amended	(H) Judiciary			
02/24/21	(H) Committee Executive Action--Bill Passed as	(H)	14	5	

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
	Amended	Judiciary			
02/24/21	(H) Taken from Table in Committee	(H) Judiciary			
02/19/21	(H) Tabled in Committee	(H) Judiciary			
02/18/21	(H) Hearing	(H) Judiciary			
02/17/21	(C) Amendments Available				
02/11/21	(H) Fiscal Note Printed				
02/11/21	(H) Fiscal Note Signed				
02/11/21	(H) Fiscal Note Received				
02/08/21	(H) First Reading				
02/08/21	(H) Referred to Committee	(H) Judiciary			
02/08/21	(C) Introduced Bill Text Available Electronically				
02/08/21	(H) Fiscal Note Requested				
02/08/21	(H) Introduced				
02/05/21	(C) Draft Delivered to Requester				
02/04/21	(C) Draft Ready for Delivery				
02/04/21	(C) Executive Director Final Review				
02/04/21	(C) Draft Ready for Delivery				
02/04/21	(C) Draft in Assembly				
02/04/21	(C) Executive Director Review				
02/03/21	(C) Bill Draft Text Available Electronically				
02/03/21	(C) Draft in Final Drafter Review				
02/03/21	(C) Draft in Input/Proofing				
02/03/21	(C) Draft to Drafter - Edit Review				
02/01/21	(C) Draft in Edit				
02/01/21	(C) Draft in Legal Review				
01/30/21	(C) Draft to Requester for Review				
12/12/20	(C) Draft Request Received				



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill #	HB0333	Title:	Generally revise laws related to sexual and violent offenders
Primary Sponsor:	Usher, Barry	Status:	As Introduced

- | | | |
|---|--|--|
| ☐ Significant Local Gov Impact | ☐ Needs to be included in HB 2 | ☐ Technical Concerns |
| ☐ Included in the Executive Budget | ☐ Significant Long-Term Impacts | ☐ Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
Expenditures:				
General Fund	Undeterminable	Undeterminable	Undeterminable	Undeterminable
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>Undeterminable</u>	<u>Undeterminable</u>	<u>Undeterminable</u>	<u>Undeterminable</u>

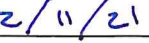
Description of fiscal impact: HB 333 could have a potential impact on the Department of Corrections (DOC) if there are any cases which could be prosecuted due to the changes proposed in this bill. The department is unable to determine how many new cases would be prosecuted under the proposed changes and the new felony.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. This bill could increase individuals subject to incarceration or supervision by the DOC. It is unclear how many registrants this would impact, and there is no way to determine how often this would be charged by county attorneys.
2. There is a potential for new felony charges attributed to this bill, but the DOC does not have sufficient data to analyze how many more individuals would be prosecuted and ultimately placed under the jurisdiction of the department.
3. If a person is convicted of a felony under this language, the cost of incarceration is \$41,803 per year per male inmate and \$42,402 per year per female inmate.

			
Sponsor's Initials	Date	Budget Director's Initials	Date

HOUSE BILL NO. 333

INTRODUCED BY B. USHER

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- (a) a felony for which the person received an additional sentence under 46-18-221; ~~or~~
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(2) A person convicted of unlawful possession of a firearm by a convicted person shall be imprisoned in a state prison for not less than 2 years or more than 10 years.

(3) A person who has been issued a permit under 45-8-314 may not be convicted of a violation of this section."

- END -

Amendments to House Bill No. 333
1st Reading Copy

Requested by Barry Usher
For the (H) Judiciary

Prepared by Rachel Weiss
02/17/2021, 12:48:02

1. Page 1, line 19.

Strike: "was"

Insert: "is currently"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

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- END -

Amendments to House Bill No. 333
3rd Reading Copy

Requested by Diane Sands
For the (S) Judiciary

Prepared by Julianne Burkhardt
03/20/2021, 11:00:08

1. Page 1, line 19.

Strike: "and"

Insert: "or"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

Amendments to senate Bill No. 333
3rd Reading Copy

Requested by Diane Sands
For the (S) Judiciary

Prepared by Julianne Burkhardt
03/20/2021, 11:00:08

1. Page 1, line 19.

Strike: "and"

Insert: "or"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

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I hereby certify that the within bill,
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Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

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AN ACT REVISING LAWS RELATED TO SEXUAL AND VIOLENT OFFENDERS; PROVIDING THAT INDIVIDUALS CONVICTED OF A CRIME REQUIRING THEM TO REGISTER AS A SEXUAL OR VIOLENT OFFENDER ARE SUBJECT TO THE CRIME OF UNLAWFUL POSSESSION OF A FIREARM BY A CONVICTED PERSON AND MAY NOT POSSESS FIREARMS; AND AMENDING SECTION 45-8-313, MCA.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Amy Regier, on February 18, 2021 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Kathy Kelker, Vice Chair (D)
Rep. Amy Regier, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Laurie Bishop (D)
Rep. Jennifer Carlson (R)
Rep. Robert Farris-Olsen (D)
Rep. Frank Fleming (R)
Rep. Donavon Hawk (D)
Rep. Jedediah Hinkle (R)
Rep. Dennis R. Lenz (R)
Rep. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Ed Stafman (D)
Rep. Mallerie Stromswold (R)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Barry Usher, Chair (R)
Rep. Tom France (D)
Rep. Jane Gillette (R)
Rep. Brandon Ler (R)

Members Absent: None

Staff Present:

Lydia Balian, Committee Secretary
Rachel Weiss, Legislative Branch
Hallie Swain, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 333, 2/12/2021; HB 368, 2/12/2021; HB 401, 2/12/2021; HB 402, 2/12/2021; HB 428, 2/12/2021

HEARING ON HB 428

Opening Statement by Sponsor:

08:03:35 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 428, Generally revise civil liability laws related to state and local government.

Proponents' Testimony: None

Opponents' Testimony:

08:07:17 Kelly Lynch, Montana League of Cities and Towns (MLCT)

08:07:18 Rep. France joined the meeting.

Informational Testimony: None

Questions from Committee Members and Responses:

08:10:20 Vice Chair Kelker

08:11:03 Rep. Mercer

08:12:20 Rep. Tenenbaum

08:14:06 Rep. Usher joined the meeting.

08:15:33 Rep. Mercer

08:16:45 Rep. Stafman

08:17:28 Rep. Usher

08:18:01 Rep. Stafman

08:18:24 Rep. Mercer

08:19:29 Rep. Farris-Olsen

08:24:30 Rep. Mercer

08:24:59 Rep. Tenenbaum

08:25:19 Rep. Mercer

Closing by Sponsor:

08:26:01 Rep. Mercer

08:28:08 Rep. Usher assumed the chair.

HEARING ON HB 401

Opening Statement by Sponsor:

08:28:30 Rep. Steven Galloway (R), HD 24, opened the hearing on HB 401, Revising property rental laws.

Proponents' Testimony:

08:30:26 John Sinrud, Montana Landlords Association (MLA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:33:07 Vice Chair Kelker
08:35:23 Rep. Galloway
08:37:15 John Sinrud, MLA
08:37:30 Rep. Ler joined the meeting.
08:37:53 Rep. Tenenbaum
08:40:50 John Sinrud, MLA

Closing by Sponsor:

08:41:18 Rep. Galloway

HEARING ON HB 402**Opening Statement by Sponsor:**

08:41:55 Rep. Steven Galloway (R), HD 24, opened the hearing on HB 402, Generally revise property rental laws.

Proponents' Testimony:

08:45:03 John Sinrud, Montana Landlords Association (MLA)

Opponents' Testimony:

08:50:54 Kempenaar Pahre, self
08:52:05 Katjana Stutzer, Montana Public Interest Research Group (MontPIRG)
08:56:32 Rachel Schmidt, Associated Students of Montana State University (ASMSU)
08:59:38 Rep. Carlson
09:00:48 Rachel Schmidt, ASMSU
09:01:07 Chair Usher
09:03:57 Rachel Schmidt, ASMSU
09:04:06 Rep. J. Hinkle
09:04:34 Rachel Schmidt, ASMSU
09:05:10 Chair Usher
09:05:29 Rachel Schmidt, ASMSU
09:06:18 Rep. Stafman
09:06:49 Rachel Schmidt, ASMSU
09:07:22 Jack Rinck, Associated Students of the University of Montana (ASUM)
09:08:42 Allison Reinhardt, Montana Associated Students (MAS)

Informational Testimony: None

Questions from Committee Members and Responses:

09:10:29 Rep. Gillette
09:11:02 Rep. Galloway
09:11:18 John Sinrud, MLA
09:13:53 Vice Chair Kelker
09:14:35 Jack Rinck, ASUM
09:15:42 Rep. Tenenbaum
09:21:54 John Sinrud, MLA
09:22:28 Rep. Galloway
09:23:09 Rep. Tenenbaum
09:23:25 Rep. Galloway

09:25:20 Rep. Berglee
09:31:10 John Sinrud, MLA
09:33:08 Rep. J. Hinkle
09:33:53 John Sinrud, MLA
09:35:42 Vice Chair Kelker
09:36:41 John Sinrud, MLA
09:37:52 Chair Usher
09:38:45 Vice Chair Kelker
09:39:11 John Sinrud, MLA
09:41:39 Chair Usher
09:42:15 Jack Rinck, ASUM
09:42:20 Rep. Lenz and Rep. Gillette joined the meeting.

Closing by Sponsor:

09:44:00 Rep. Galloway

09:48:29 Brief Recess
10:01:25 Reconvened with Vice Chair Regier as chair.

HEARING ON HB 333**Opening Statement by Sponsor:**

10:01:32 Rep. Barry Usher (R), HD 40, opened the hearing on HB 333, Generally revise laws related to sexual and violent offenders.

[EXHIBIT\(juh34a01\)](#)

Proponents' Testimony:

10:03:54 Shelby DeMars, Montana Police Protective Association (MPPA)
10:04:59 Matthew Saylor, Montana Police Protective Association (MPPA)
10:05:55 Nanette Gilbertson, Montana County Attorney's Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:07:30 Rep. J. Hinkle
10:08:25 Nanette Gilbertson, MCAA; MSPOA
10:09:08 Rachel Weiss, Legislative Services Division (LSD)
10:10:34 Rep. J. Hinkle

Closing by Sponsor:

10:11:43 Rep. Usher

10:13:44 Rep. Usher resumed the chair.

HEARING ON HB 368

Opening Statement by Sponsor:

10:14:07 Rep. Sharon Greef (R), HD 88, opened the hearing on HB 368, Adopt Uniform Premarital and Marital Agreements Act.

Proponents' Testimony:

10:17:35 Jacqueline Lenmark, Uniform Law Commission
10:21:42 Ryan Phelan, State Bar of Montana Family Law Section
10:29:11 Gail Goheen, State Bar of Montana Family Law Section
10:34:27 Amy Lord, State Bar of Montana Family Law Section
10:37:19 Mars Scott, State Bar of Montana Family Law Section

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:41:09 Rep. Carlson
10:42:37 Amy Lord, State Bar of Montana Family Law Section
10:43:46 Rep. Bishop
10:44:42 Jacqueline Lenmark, Uniform Law Commission
10:45:38 Rep. Greef
10:45:58 Rep. Tenenbaum
10:48:34 Gail Goheen, State Bar of Montana Family Law Section
10:49:05 Rep. Gillette
10:49:42 Mars Scott, State Bar of Montana Family Law Section

Closing by Sponsor:

10:50:52 Rep. Greef

10:51:24 Chair Usher
10:52:53 Rep. Bishop
10:53:45 Rep. Tenenbaum
10:55:35 Chair Usher
10:58:25 Rachel Weiss, LSD

ADJOURNMENT

Adjournment: 10:59:12

Lydia Balian, Secretary

lb

Additional Documents:

EXHIBIT([juh34aad.pdf](#))

EXHIBIT 1

DATE

2/18/21

HB

333

Amendments to House Bill No. 333
1st Reading Copy

Requested by Barry Usher
For the (H) Judiciary

Prepared by Rachel Weiss
02/17/2021, 12:48:02

1. Page 1, line 19.

Strike: "was"

Insert: "is currently"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.



2021 Session

Additional Documents

May include the following:

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
 - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

The original exhibit/items are on file at the Montana Historical Society and may be viewed there.

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
67th LEGISLATURE - REGULAR SESSION**

HOUSE JUDICIARY COMMITTEE

Date: Thursday, February 18, 2021

Place: Capitol

Time: 8:00 AM

Room: 137

BILLS and RESOLUTIONS HEARD:

HB 333 - Generally revise laws related to sexual and violent offenders - Rep. Barry Usher (R)

HB 368 - Adopt Uniform Premarital and Marital Agreements Act - Rep. Sharon Greef (R)

HB 401 - Revising property rental laws - Rep. Steven Galloway (R)

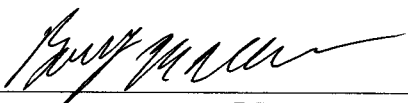
HB 402 - Generally revise property rental laws - Rep. Steven Galloway (R)

HB 428 - Generally revise civil liability laws related to state and local government - Rep. Bill Mercer (R)

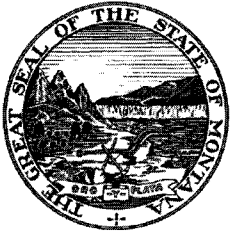
EXECUTIVE ACTION TAKEN:

None

Comments:



REP. Barry Usher, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE: 2/18/21

NAME	PRESENT	ABSENT/EXCUSED
REP. USHER, CHAIR		✓
REP. AMY REGIER, VICE CHAIR	✓	
REP. KELKER, VICE CHAIR	✓	
REP. BERGLEE	✓	
REP. BISHOP	✓	
REP. CARLSON	✓	
REP. FARRIS-OLSEN	✓	
REP. FLEMING	✓	
REP. FRANCE		✓
REP. GILLETTE		✓
REP. HAWK	✓	
REP. JEDEDIAH HINKLE	✓	
REP. LENZ	✓	
REP. LER		✓
REP. PHALEN	✓	
REP. SKEES	✓	
REP. STAFMAN	✓	
REP. STROMSWOLD	✓	
REP. TENENBAUM	✓	

19 MEMBERS

WITNESS STATEMENTS

**The following is an assortment of
documents that are
witness statements.**

**[A witness statement is a signed
document recording the evidence of a
witness.**

**A definition “a written statement
signed by a person which contains the
evidence which that person would be
allowed to give orally”.]**

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 16, 2021 5:12 PM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-368: Adopt Uniform Premarital and Marital Agreements Act 2021-02-18 08:00 AM - (H) Judiciary Successfully Submitted on 02-16-21 17:11

Details:

Bill: HB-368: Adopt Uniform Premarital and Marital Agreements Act 2021-02-18 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana State Bar Family Law Section

Name: Ryan Alane Phelan

Email: Ryan@CSBLawOffice.com

Phone: (406) 721-7772

City, State: Missoula, MT

Written Statement: HB 368 is an update to the Uniform Premarital Agreement Act (40-2-601 to 610, of the Montana Code), which has existed in Montana since 1987. The current law is lacking in several ways, most notable that it has no provision for marital agreements (those signed after a couple are married), and it lacks specificity regarding the requirements for knowingly entering into a premarital agreement, and for enforcing one. The result is that parties who enter into a premarital agreement cannot be fully confident that the Court will (or will not) uphold the Agreement. The updated Act, which is HB 368, clarifies these items, and requires a disclosure by the parties before they enter the agreement (unless they knowingly waive the disclosure). It also requires that both parties have the opportunity to access an attorney before they enter a premarital or marital agreement. This is a Uniform Act. I believe it is important that Montana adopt this updated Act, to provide more clarity to the parties who wish to enter into a premarital, or a marital, agreement.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

Testimony HB 368

Before House Judiciary Committee

February 8, 2021

By Gail H. Goheen (Proponent)

Thank you Chairman Usher and Members of the Judiciary Committee, for allowing me to appear before you today. My name is Gail Goheen (G-O-H-E-E-N), and like some of the other Bill proponents here today, I am a member of the Legislative Committee of the Family Law Section of the Montana State Bar. I have been an attorney in Hamilton, Montana for over 40 years. During most of that time I have primarily specialized in the practice of family law, representing a wide range of Montanans--from pro bono clients to wealthy folks (probably about equally men and women)—throughout a number of judicial districts in this state. Over the years, I have drafted and reviewed several “prenuptial agreements,” and as well have dealt with clients who have been affected by them. My goal in appearing here today is to improve the law relating to the creation and enforcement of both premarital agreements and marital agreements.

In my testimony, I hope to provide you with a little more detail about what this Bill is designed to do. As noted, HB 368--would standardize provisions applicable to both premarital and marital agreements going forward. Keep in mind that even if there are some overlapping provisions in the HB 368 and the existing Uniform Premarital Agreement Act (UPAA), the existing Act doesn’t affect marital agreements. In addition, there are several more “fairness” safeguards built into HB 368, both as to procedures relating to the creation of the affected agreements, in addition to enforcement limitations.

- As mentioned, to be enforceable, HB 368 would require a party’s consent must have been both voluntary and not under duress. A party can challenge enforceability if he/she did not have access to independent legal representation when the agreement was signed (and that would include reasonable time to decide whether to retain independent representation as well as locate such an attorney and obtain and consider such advice). [All too often, one party pulls out the proposed premarital agreement after the invitations to the wedding are sent out and often near in time to being on the courthouse/church steps.] If a party can’t afford an independent attorney and the other party has an attorney, then that other party must pay the legal fees for party without adequate monies to pay for an attorney.
- Unless a party had independent legal representation, to be enforceable, the agreement would need to conspicuously include a notice specifically warning a party of the rights they may be waiving or obligations they may otherwise be assuming if they sign the agreement.

- Before signing an agreement, to be enforceable, a party must receive a “financial disclosure” from the other party, setting out his/her assets, liabilities, and income; be reasonably aware of the same; or sign a waiver of the right to a financial disclosure;
- HB 368 also allows a court to refuse to enforce a term of a premarital or marital agreement, if in the context of the agreement taken as a whole, the term was unconscionable at the time of its signing, or the enforcement would result in a substantial hardship for a party because of a material change in circumstances arising after the agreement was signed. Although “unconscionability” is a question left for the court to determine, presumably it would be of a nature that is extremely unjust, overwhelmingly one-sided in favor of the party who has the superior bargaining power, or contrary to good conscience. It is especially noteworthy that under current law, a premarital agreement can be enforceable even if it is unconscionable when signed, provided certain advance disclosure are made or waived. Also under the existing law , there are no exceptions for substantial hardship resulting from a material change in circumstances after an agreement is signed.
- A premarital agreement or marital agreement eliminating or modifying spousal support is unenforceable to the extent it would cause a party to be eligible for public assistance. Provisions affecting child support are also forbidden.
- Agreements in anticipation of a divorce or legal separation are not authorized by this Act.
- The UPMAA clearly disallows provisions in a premarital or marital agreement that: restrict remedies available to domestic violence victims; purport to modify the grounds for separation or marital dissolution; penalize a party for initiating a legal proceeding for separation or marital dissolution; or that define the rights or duties of the parties regarding custody/parenting responsibilities for children. Existing law on these matters relating to premarital agreements is MUCH more vague.

There are other provisions of HB 368 that clarify the effect of marital and premarital agreements which I won't go into further, but with that, I'll open myself up for any questions you may have. I urge you to support HB 368, and thank you for allowing me to testify before you today.

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Wednesday, February 17, 2021 11:10 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-368: Adopt Uniform Premarital and Marital Agreements Act
2021-02-18 08:00 AM - (H) Judiciary Successfully Submitted on 02-17-21 11:09

Details:

Bill: HB-368: Adopt Uniform Premarital and Marital Agreements Act 2021-02-18 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Amy K. Lord

Email: amy@lordlawoffice.com

Phone: (406) 493-5538

City, State: Missoula, Montana

Written Statement: I am the Chair of the Family Law Section of the State Bar of Montana. We are a group of 164 family law attorneys in Montana and we are asking the Legislature to adopt the Uniform Marital and Premarital Agreement Act. We believe this Uniform law will benefit Montanans and the Court system. Prior to requesting the Legislature to adopt this law, we asked our Section members to comment on it and we have their support. In addition, we consulted with the Judges Association and the State Bar Board of Trustees.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

Testimony in Support of HB 368

Mr. Chairman, member of the Committee:

I'm Mars Scott. My last name is spelled SCOTT. I've practiced law in Montana for over 40 years. I'm the Chairperson of the Legislative Subcommittee of the Family Law Section of the State Bar of Montana. Our Committee's goals, our Mission Statement if you will, is to work on and support legislation that makes the overall practice of family law in Montana more predictable, more understandable, and less expensive for parties.

Our committee strongly supports passage of HB 368 because if it were to become law, it will set standards for the judges to interpret premarital agreements made by parties before they marry, and to interpret post marital agreements which are made by husbands and wives after they marry. A lot of people don't realize that there can be serious business discussions after marriage between husbands and wives for a lot of reasons such as managing inheritances, developing businesses, or living apart while still staying married. Currently, we have few decisions by the Montana Supreme Court on how to interpret prenuptial agreements, and we have virtually no Supreme Court decisions on how to interpret post nuptial agreements. There are 47 district court judges in Montana—and each of them is vested with their own discretion on how to interpret these agreements. What that means to Montanans is that the outcome of their case may very well depend upon which judge they draw when they file the case, or said another way, under the current state of the law, you have 47 judges with their own interpretations of the meaning of the language in these agreements, so you can have different outcomes with the same facts, making outcomes unpredictable, which is untenable. Under the current state of the law, it takes years for the Supreme Court to sort out these issues depending upon the different cases that might be appealed. And not only does it take years, but it also requires litigants to spend thousands of dollars paying attorneys to prosecute or defend these cases in order to develop the law. That is also untenable.

The beauty of a uniform act is that it is developed by a large array of smart people who care about advancing the law through legislative efforts, as opposed to developing the law by long, drawn out expensive court cases.

This bill sets out the parameters that all judges in the State of Montana would follow in interpreting and deciding issues related to prenuptial agreements and postnuptial agreements. If it became law, it would save a tremendous amount of time and resources for parties and the courts, and it would clarify the law on prenuptial and post nuptial agreements thus making the law in this area more understandable and more predictable. This law can only be good for Montanans.

We strongly support passage of this bill.

WITNESS STATEMENT

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Wednesday, February 17, 2021 11:47 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-402: Generally revise property rental laws 2021-02-18 08:00 AM - (H) Judiciary Successfully Submitted on 02-17-21 11:47

Details:

Bill: HB-402: Generally revise property rental laws 2021-02-18 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana Landlords Association

Name: Robert Smaus, Western Vice-President MLA

Email: smaus@cybernet1.com

Phone: (406) 544-8901

City, State: Hamilton

Written Statement: I comment in Support of HB402, as it provides for Clarification as to what Constitutes Unconscionability in and the Termination of Rental Agreements. This has been needed for quite some time and will aid Landlords greatly in certain conditions. Thank you so much.

Files:

Testify via Zoom: No

Zoom Method: N/A

WITNESS STATEMENT

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Wednesday, February 17, 2021 11:41 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-401: Revising property rental laws 2021-02-18 08:00 AM - (H) Judiciary Successfully Submitted on 02-17-21 11:40

Details:

Bill: HB-401: Revising property rental laws 2021-02-18 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana Landlords Association

Name: Robert Smaus, Western Vice-President MLA

Email: smaus@cybernet1.com

Phone: (406) 544-8901

City, State: Hamilton

Written Statement: I comment in support of HB401, as the provided clarification of current statute regarding Security Deposit as necessary for proper procedure in Residential Rental Law is vital concerning both Landlord and Tenant. I strongly urge your support. Thank you.

Files:

Testify via Zoom: No

Zoom Method: N/A

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 18, 2021

HB 402 - Generally revise property rental laws

Sponsor: **Rep. Steven Galloway (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 18, 2021

HB 428 - Generally revise civil liability laws related to state and local government

Sponsor: Rep. Bill Mercer (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 18, 2021

HB 401 - Revising property rental laws

Sponsor: **Rep. Steven Galloway (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 18, 2021

HB 333 - Generally revise laws related to sexual and violent offenders

Sponsor: **Rep. Barry Usher (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 18, 2021

HB 368 - Adopt Uniform Premarital and Marital Agreements Act

Sponsor: Rep. Sharon Greef (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

House Judiciary Zoom Testimony 02.18.2021

Bill	Name	Location	Email	Position	Affiliation
HB-368	Proponents				
HB-368	P. Mars Scott	Missoula, Montana	pmarsscott@pmarsscott.com	Proponent	Family Law Section, State Bar
HB-368	Amy Lord	Missoula, Montana	amy@lordlawoffice.com	Proponent	
HB-368	Gail Goheen	Corvallis, Montana	gail@goheenlaw.com	Proponent	Family Law Section of the MT State Bar
HB-368	Ryan Phelan	Missoula, Montana	ryan@csblawoffice.com	Proponent	MT State Bar Family Law Section
HB-401	Proponents				
HB-401	Mitch Brainard	Great Falls, Montana	mitch@msn.com	Proponent	
HB-401	Jeffrey Brainard	Great Falls, Montana	jabrainard@hotmail.com	Proponent	
HB-401	Gail Brainard	Great Falls, Montana	gailjean17@gmail.com	Proponent	
HB-401	Bill Brainard	Great Falls, Montana	brainard@in-tch.com	Proponent	
HB-402	Proponents				
HB-402	Mitch Brainard	Great Falls, Montana	mitch@msn.com	Proponent	
HB-402	Jeffrey Brainard	Great Falls, Montana	jabrainard@hotmail.com	Proponent	
HB-402	Gail Brainard	Great Falls, Montana	gailjean17@gmail.com	Proponent	
HB-402	Bill Brainard	Great Falls, Montana	brainard@in-tch.com	Proponent	
HB-402	Opponents				
HB-402	Kempenaar Pahre	Bozeman, Montana	kempenaarless@gmail.com	Opponent	
HB-428	Opponent				
HB-428	Kelly Lynch	Helena, Montana	kelly.lynch@mtleague.net	Opponent	MT League of Cities and Towns

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on February 19, 2021 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Barry Usher, Chair (R)
Rep. Kathy Kelker, Vice Chair (D)
Rep. Amy Regier, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Laurie Bishop (D)
Rep. Jennifer Carlson (R)
Rep. Robert Farris-Olsen (D)
Rep. Frank Fleming (R)
Rep. Tom France (D)
Rep. Jane Gillette (R)
Rep. Donavon Hawk (D)
Rep. Jedediah Hinkle (R)
Rep. Dennis R. Lenz (R)
Rep. Brandon Ler (R)
Rep. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Ed Stafman (D)
Rep. Mallerie Stromswold (R)
Rep. Danny Tenenbaum (D)

Members Excused: None

Members Absent: None

Staff Present:

Lydia Balian, Committee Secretary
Rachel Weiss, Legislative Branch
Hallie Swain, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 398, 2/16/2021; HB 416, 2/16/2021; HB 426, 2/16/2021
Executive Action on: HB 333; HB 342; HB 354; HB 368; HB 377; HB 386; HB 398;
HB 401; HB 416 ; HB 426; HB 428; HB 399; HB 91

HEARING ON HB 416

Opening Statement by Sponsor:

08:05:24 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 416, Establishing educational requirements for child welfare system supervisors.

Proponents' Testimony:

08:08:24 Raye Newmeyer, Montana State Council on Judicial Accountability (MtSCOJA)

Opponents' Testimony:

08:09:32 Marti Vining, Department of Public Health and Human Services (DPHHS)

Informational Testimony:

08:13:35 Dr. Ryan Tolleson Knee, University of Montana (UM)

Questions from Committee Members and Responses:

08:14:37 Rep. Fleming
08:15:36 Rep. Lenz
08:16:54 Vice Chair Kelker
08:17:22 Dr. Ryan Tolleson Knee, UM
08:19:27 Rep. Bishop
08:20:39 Marti Vining, DPHHS
08:21:04 Rep. Carlson
08:21:47 Rep. Lenz
08:22:33 Vice Chair Regier
08:22:56 Dr. Ryan Tolleson Knee, UM
08:25:14 Rep. Bishop
08:26:19 Dr. Ryan Tolleson Knee, UM

Closing by Sponsor:

08:27:37 Rep. Lenz

08:33:23 Rachel Weiss, Legislative Services Division (LSD)

08:33:58 Rep. Stafman

HEARING ON HB 398

Opening Statement by Sponsor:

08:34:34 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 398, Allow legislators to review child and family ombudsman records.

Proponents' Testimony:

08:38:48 Dana Toole, Montana Department of Justice (DOJ)

08:40:09 Raye Newmeyer, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

08:40:56 Rep. Lenz

HEARING ON HB 426

Opening Statement by Sponsor:

08:41:47 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 426, Revise laws regarding interactions between DPHHS and child and family ombudsman.

08:44:05 Chair Usher left the meeting.

08:44:10 Vice Chair Regier assumed the chair.

Proponents' Testimony:

08:44:20 Dana Toole, Montana Department of Justice (DOJ)

08:46:11 Raye Newmeyer, self

Opponents' Testimony: None

Informational Testimony:

08:46:58 Marti Vining, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

08:47:47 Vice Chair Kelker

08:49:51 Dana Toole, DOJ

08:50:04 Vice Chair Kelker

Closing by Sponsor:

08:51:04 Rep. Lenz

08:53:45 Chair Usher rejoined the meeting.

08:55:27 Rep. Bishop

08:55:44 Rep. Lenz

08:55:53 Rep. Stafman

08:56:10 Rep. Lenz

08:56:36 Chair Usher

08:56:49 Rep. Carlson

08:57:32 Rep. Skees

08:58:04 Rep. Lenz

08:58:48 Recess

09:21:56 Reconvened

EXECUTIVE ACTION ON HB 333

09:22:19 Rachel Weiss, Legislative Services Division (LSD)

09:22:46 **Motion:** Rep. A. Regier moved that **HB 333 DO PASS**.

09:23:36 **Motion/Vote:** Rep. A. Regier moved that **HB 333 BE AMENDED**. Motion carried unanimously by voice vote.

EXHIBIT(juh35a01)

09:24:40 **Motion:** Rep. A. Regier moved that **HB 333 DO PASS AS AMENDED**.

Discussion:

09:24:53 Rep. J. Hinkle

09:25:19 Rep. Carlson

09:25:51 Rep. Bishop

09:26:01 Rep. Tenenbaum

09:27:26 Chair Usher

09:27:49 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. Fleming, Rep. France, Rep. Hawk, Rep. Kelker, Rep. A. Regier, Rep. Stafman and Rep. Usher voting aye.

09:29:15 **Motion/Vote:** Rep. A. Regier moved that **HB 333 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 342

09:29:39 Rachel Weiss, LSD

09:30:04 **Motion:** Rep. A. Regier moved that **HB 342 DO PASS AS AMENDED**.

Discussion:

09:30:29 Vice Chair Kelker

09:31:28 Rep. Skees

09:32:36 Rep. France

09:33:14 Rep. Farris-Olsen

09:36:17 Rep. J. Hinkle

09:37:55 Rep. Farris-Olsen

09:38:23 Rep. Stafman

09:39:47 Rep. Skees

09:40:35 Chair Usher

09:41:47 **Vote:** Motion carried 10-8 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

EXECUTIVE ACTION ON HB 354

09:43:21 Rachel Weiss, LSD

09:43:44 **Motion/Vote:** Rep. A. Regier moved that **HB 354 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 368

09:44:09 Rachel Weiss, LSD

09:44:41 **Motion:** Rep. A. Regier moved that **HB 368 DO PASS**.

Discussion:

09:44:51 Vice Chair Kelker

09:45:30 **Vote:** Motion carried 17-2 by voice vote with Rep. Hawk and Rep. Lenz voting no.

EXECUTIVE ACTION ON HB 377

09:46:11 Rachel Weiss, LSD

09:46:32 **Motion/Vote:** Rep. A. Regier moved that **HB 377 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 386

09:46:53 Rachel Weiss, LSD

09:47:13 **Motion:** Rep. A. Regier moved that **HB 386 DO PASS**.

09:47:19 **Motion/Vote:** Rep. Berglee moved that **HB 386 BE AMENDED**. Motion carried unanimously by voice vote.

EXHIBIT(juh35a02)

09:47:45 **Motion/Vote:** Rep. A. Regier moved that **HB 386 DO PASS AS AMENDED**. Motion carried 16-3 by voice vote with Rep. Bishop, Rep. Farris-Olsen and Rep. Tenenbaum voting no.

EXECUTIVE ACTION ON HB 398

09:48:29 Rachel Weiss, LSD

09:48:51 **Motion/Vote:** Rep. A. Regier moved that **HB 398 DO PASS**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 399

09:49:38 Rachel Weiss, LSD

09:50:35 **Motion:** Rep. A. Regier moved that **HB 399 DO PASS.**

09:50:42 **Motion:** Rep. Skees moved that **HB 399 BE AMENDED.**
EXHIBIT(juh35a03)

Discussion:

09:51:09 Rep. Skees

09:52:04 Vice Chair Kelker

09:53:03 Rep. Gillette

09:53:37 Rep. Skees

09:54:18 Rep. Stafman

09:55:17 Rep. J. Hinkle

09:55:32 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Gillette, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

09:56:39 **Motion/Vote:** Rep. A. Regier moved that **HB 399 DO PASS AS AMENDED.**
Motion carried 10-9 by roll call vote with Rep. Gillette, Rep. J. Hinkle, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. A. Regier, Rep. Skees, Rep. Stromswold and Rep. Usher voting no.

EXECUTIVE ACTION ON HB 401

09:58:02 Rachel Weiss, LSD

09:58:18 **Motion/Vote:** Rep. A. Regier moved that **HB 401 DO PASS.** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

EXECUTIVE ACTION ON HB 416

09:59:32 Rachel Weiss, LSD

09:59:47 **Motion:** Rep. A. Regier moved that **HB 416 DO PASS.**

Discussion:

10:00:08 Vice Chair Kelker

10:02:05 Rep. Carlson

10:03:36 Chair Usher

10:03:39 **Vote:** Motion carried 14-5 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. Hawk, Rep. Kelker and Rep. Stafman voting no.

EXECUTIVE ACTION ON HB 426

10:04:39 Rachel Weiss, LSD

10:05:13 **Motion/Vote:** Rep. A. Regier moved that **HB 426 DO PASS**. Motion carried 16-3 by roll call vote with Rep. Bishop, Rep. Farris-Olsen and Rep. Stafman voting no.

EXECUTIVE ACTION ON HB 428

10:06:26 Rachel Weiss, LSD

10:06:43 **Motion:** Rep. A. Regier moved that **HB 428 DO PASS**.

Discussion:

10:06:52 Rep. Farris-Olsen

10:07:23 Chair Usher

10:07:37 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

10:09:03 Chair Usher

10:09:26 Rep. Ler

10:10:13 Chair Usher

10:11:48 Rep. Lenz

10:12:23 Rep. Carlson

10:12:46 Rep. Phalen

10:13:08 Rep. Ler

EXECUTIVE ACTION ON HB 399

10:13:34 **Motion:** Rep. Skees moved to **RECONSIDER THE MOTION** on **HB 399**.

Discussion:

10:13:40 Rep. Skees

10:16:02 Rep. Tenenbaum

10:16:52 Chair Usher

10:17:23 Vice Chair Kelker

10:17:42 Rep. Carlson

10:18:29 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

10:19:41 **Motion:** Rep. A. Regier moved that **HB 399 DO PASS**.

10:19:53 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 399 BE TABLED**. Substitute Motion carried 11-8 by roll call vote with Rep. Bishop, Rep.

Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

10:21:21 Chair Usher

EXECUTIVE ACTION ON HB 91

10:22:02 **Motion:** Rep. Farris-Olsen moved that **HB 91 BE REMOVED FROM TABLE.**

Discussion:

10:22:53 Rachel Weiss, LSD

10:23:09 Rep. Farris-Olsen

10:24:19 Chair Usher

10:25:13 Rep. Skees

10:25:34 Vice Chair Kelker

10:26:25 **Vote:** Motion carried unanimously by roll call vote.

10:27:47 **Motion/Vote:** Rep. A. Regier moved to **POSTPONE CONSIDERATION ON HB 91.** Motion carried unanimously by voice vote.

10:28:06 Rep. J. Hinkle

10:28:30 Chair Usher

ADJOURNMENT

Adjournment: 10:29:12

Lydia Balian, Secretary

lb

Additional Documents:

EXHIBIT([juh35aad.pdf](#))

Amendments to House Bill No. 333
1st Reading Copy

Requested by Barry Usher
For the (H) Judiciary

Prepared by Rachel Weiss
02/17/2021, 12:48:02

1. Page 1, line 19.

Strike: "was"

Insert: "is currently"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.



2021 Session

Additional Documents

May include the following:

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
Petitions, Pamphlets, Leaflets, Brochures, Emails, all
documents given to Committee Secretary 24 hours
after the meeting adjourned.

The original exhibit/items are on file at the Montana Historical Society and may be viewed there.

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Friday, February 19, 2021
Place: Capitol

Time: 8:00 AM
Room: 137

BILLS and RESOLUTIONS HEARD:

HB 398 - Allow legislators to review child and family ombudsman records - Rep. Dennis Lenz (R)

HB 416 - Establishing educational requirements for child welfare system supervisors - Rep. Dennis Lenz (R)

HB 426 - Revise laws regarding interactions between DPHHS and child and family ombudsman - Rep. Dennis Lenz (R)

EXECUTIVE ACTION TAKEN:

HB 333 - Be Tabled

HB 342 - Do Pass as Amended

HB 354 - Be Tabled

HB 368 - Do Pass

HB 377 - Do Pass

HB 386 - Do Pass as Amended

HB 398 - Do Pass

HB 399 - Be Tabled

HB 401 - Do Pass

HB 416 - Do Pass

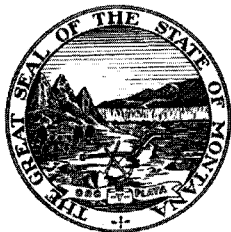
HB 426 - Do Pass

HB 428 - Do Pass

Comments:



REP. Barry Usher, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE: 2/19/21

NAME	PRESENT	ABSENT/EXCUSED
REP. USHER, CHAIR	✓	
REP. AMY REGIER, VICE CHAIR	✓	
REP. KELKER, VICE CHAIR	✓	
REP. BERGLEE	✓	
REP. BISHOP	✓	
REP. CARLSON	✓	
REP. FARRIS-OLSEN	✓	
REP. FLEMING	✓	
REP. FRANCE	✓	
REP. GILLETTE	✓	
REP. HAWK	✓	
REP. JEDEDIAH HINKLE	✓	
REP. LENZ	✓	
REP. LER	✓	
REP. PHALEN	✓	
REP. SKEES	✓	
REP. STAFMAN	✓	
REP. STROMSWOLD	✓	
REP. TENENBAUM	✓	

19 MEMBERS



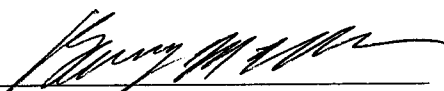
HOUSE STANDING COMMITTEE REPORT

February 19, 2021

Page 1 of 3

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 342** (first reading copy -- white) **do pass as amended.**

Signed: 
Representative Barry Usher, Chair

And, that such amendments read:

1. Title, line 6.

Following: "COURTS;"

Insert: "ALLOWING POLITICAL PARTY COMMITTEES TO CONTRIBUTE TO A CANDIDATE FOR
SUPREME COURT JUSTICE OR DISTRICT COURT JUDGE;"

Following: "3-5-201,"

Insert: "3-6-201,"

2. Page 1, line 20.

Following: "section"

Strike: "4"

Insert: "5"

3. Page 2, line 3.

Following: "section"

Strike: "4"

Insert: "5"

4. Page 2.

Following: line 9

Insert: "**Section 3.** Section 3-6-201, MCA, is amended to read:

"3-6-201. Number of judges -- election -- term of office -- chief judge -- duties of chief judge
-- assistant judge. (1) The governing body of a city shall determine by ordinance the number of judges
required to operate the municipal court.

(2) A municipal court judge who is not a part-time assistant judge appointed under subsection (6)
must be elected at the general election, as provided in 13-1-104(3). The judge's term commences on the
first Monday in January following the election. The judge shall hold office for the term of 4 years and until a

Committee Vote:

Yes 10, No 8

Fiscal Note Required ☐

HB0342001SC.hlc

2.19.21
DR 11:27AM
(F)

successor is elected and qualified.

(3) Except as provided in subsection (2), all elections of municipal court judges are governed by ~~the laws applicable to the election of district court judges~~ the provisions of Title 13, chapter 14, part 2.

(4) (a) If there is more than one municipal court judge, the judges shall adopt a procedure by which they either:

(i) select a chief municipal court judge at the beginning of each calendar year; or

(ii) select a chief municipal court judge for a specific period of time.

(b) If the judges cannot agree, the judge with the most seniority shall serve as the chief municipal court judge.

(5) The chief municipal court judge shall provide for the efficient management of the court, in cooperation with the other judge or judges, if any, and shall:

(a) maintain a central docket of the court's cases;

(b) provide for the distribution of cases from the central docket among the judges, if there is more than one judge, in order to equalize the work of the judges;

(c) request the jurors needed for cases set for jury trial;

(d) if there is more than one judge, temporarily reassign or substitute judges among the departments as necessary to carry out the business of the court; and

(e) supervise and control the court's personnel and the administration of the court.

(6) A municipal court judge may, with the approval of the governing body of the city, appoint a part-time assistant judge, who must have the same qualifications as a judge pro tempore under 3-6-204, to serve during the municipal court judge's term of office. An order by a part-time assistant judge has the same force and effect as an order of a municipal court judge." "

Renumber: subsequent sections

5. Page 4, line 9.

Following: "peace"

Insert: "**or municipal court judge**"

6. Page 4, line 10.

Following: "peace"

Insert: "or municipal court judge"

7. Page 4, line 22.

Following: "[Section"

Strike: "4"

Insert: "5"

8. Page 4, line 23.
Following: "[section"
Strike: "4"
Insert: "5"

- END -



HOUSE STANDING COMMITTEE REPORT

February 19, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 368** (first reading copy -- white) **do pass.**

Signed: _____

Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 17, No 2

Fiscal Note Required ____

HB0368001SC.hlc

2.19.21
SR 11:28 AM
(1)



HOUSE STANDING COMMITTEE REPORT

February 19, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 398** (first reading copy -- white) **do pass.**

Signed: _____

Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 19, No 0

Fiscal Note Required ____

HB0398001SC.hlc

2.19.21
DR 11:31AM
(F)



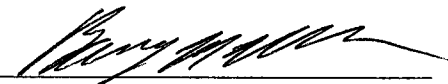
HOUSE STANDING COMMITTEE REPORT

February 19, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 401** (first reading copy -- white) **do pass.**

Signed: 
Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 12, No 7

Fiscal Note Required ☐

HB0401001SC.hlc

2.19.21
JR 11:31AM
(7)



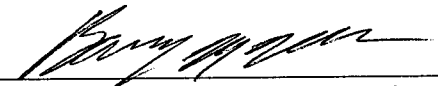
HOUSE STANDING COMMITTEE REPORT

February 19, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 416** (first reading copy -- white) **do pass.**

Signed: 
Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 14, No 5

Fiscal Note Required ☐

HB0416001SC.hlc

2.19.21
JR 11:36AM
(F)



HOUSE STANDING COMMITTEE REPORT

February 19, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 426** (first reading copy -- white) **do pass.**

Signed: _____

Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 16, No 3

Fiscal Note Required ☐

HB0426001SC.hlc

2.19.21
JR 11:58 AM
②



HOUSE STANDING COMMITTEE REPORT

February 19, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 386** (first reading copy -- white) **do pass as amended.**

Signed: _____

Representative Barry Usher, Chair

And, that such amendments read:

1. Title, line 5.

Following: "WEAPON"

Insert: "ON A SEARCH AND RESCUE MISSION"

2. Page 1, line 15.

Following: "official"

Insert: "search and rescue"

- END -

Committee Vote:

Yes 16, No 3

Fiscal Note Required ☐

HB0386001SC.hlc

2-19-21
JR 11:29 AM
⑦



HOUSE STANDING COMMITTEE REPORT

February 19, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 428** (first reading copy -- white) **do pass.**

Signed: _____

Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 12, No 7

Fiscal Note Required ☐

HB0428001SC.hlc

2.19.21
JR 11:39AM
(12)

COMMITTEE FILE COPY

BILL TABLED NOTICE

HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED

HB 333 - Generally revise laws related to sexual and violent offenders - Rep. Barry Usher (R)

HB 354 - Revise laws regarding driving while intoxicated costs - Rep. Frank Smith (D)

HB 377 - Revise criminal penalties for certain threats of violence - Rep. Wendy McKamey (R)

HB 399 - Revise criminal sentencing laws for youth offenders - Rep. Mike Hopkins (R)

by motion, on **Friday, February 19, 2021** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

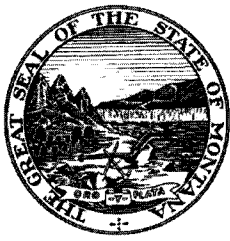

(For the Committee)


(For the Chief Clerk of the House)
4:38pm 2/19
(Time) (Date)

February 19, 2021 (4:29pm)

Lydia Balian, Secretary

Phone: 444-1513



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

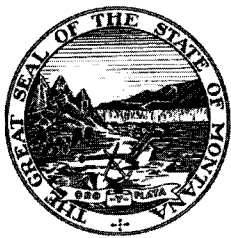
BILL NUMBER HB 333

DATE 2/19/21

MOTION Do Pass as Amended

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR	✓		
REP. CARLSON		✓	
REP. STROMSWOLD		✓	
REP. BERGLEE		✓	
REP. PHALEN		✓	
REP. FLEMING	✓		
REP. STAFMAN	✓		
REP. LENZ		✓	
REP. GILLETTE		✓	
REP. LER		✓	
REP. TENENBAUM		✓	
REP. BISHOP	✓		
REP. J. HINKLE		✓	
REP. HAWK	✓		
REP. SKEES		✓	
REP. FARRIS-OLSEN	✓		
REP. FRANCE	✓		
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

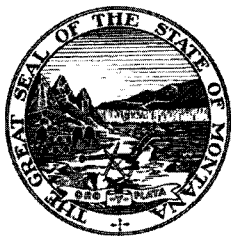
BILL NUMBER HB 342

DATE 2/19/21

MOTION Do Pass as Amended

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON		✓	
REP. STROMSWOLD			
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	
REP. FRANCE		✓	
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

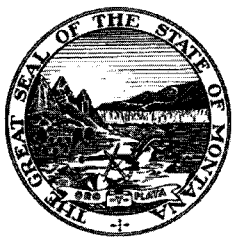
BILL NUMBER HB 399

DATE 2/19/21

MOTION Do Pass Amendment HB399.1.1

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON		✓	
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE		✓	
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	
REP. FRANCE		✓	
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

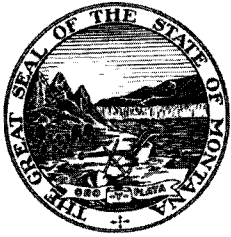
BILL NUMBER HB 399

DATE 2/19/21

MOTION Do Pass as Amended

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR		✓	
REP. KELKER, VICE CHAIR	✓		
REP. CARLSON	✓		
REP. STROMSWOLD		✓	
REP. BERGLEE	✓		
REP. PHALEN		✓	
REP. FLEMING	✓		
REP. STAFMAN	✓		
REP. LENZ		✓	
REP. GILLETTE		✓	
REP. LER		✓	
REP. TENENBAUM	✓		
REP. BISHOP	✓		
REP. J. HINKLE		✓	
REP. HAWK	✓		
REP. SKEES		✓	
REP. FARRIS-OLSEN	✓		
REP. FRANCE	✓		
REP. USHER, CHAIR		✓	

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

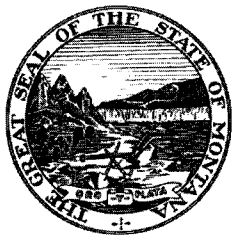
BILL NUMBER HB 401

DATE 2/19/21

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	
REP. FRANCE		✓	
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

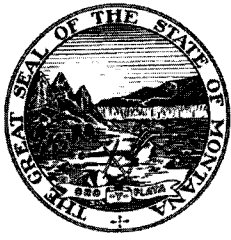
BILL NUMBER HB 414

DATE 2/19/21

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM	✓		
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	
REP. FRANCE	✓		
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

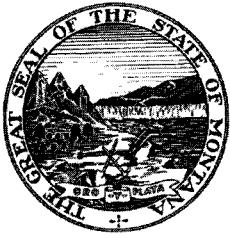
BILL NUMBER HB 424

DATE 2/19/21

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR	✓		
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM	✓		
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK	✓		
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	
REP. FRANCE	✓		
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

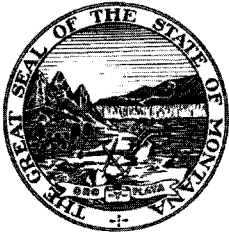
BILL NUMBER HB 428

DATE 2/19/21

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	
REP. FRANCE		✓	
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

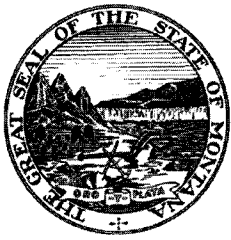
BILL NUMBER HB 399

DATE 2/19/21

MOTION Reconsider the Motion

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	
REP. FRANCE		✓	
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

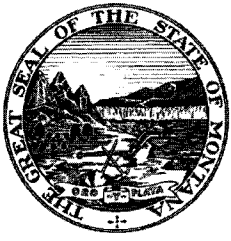
BILL NUMBER HB 399

DATE 2/19/21

MOTION Be Tabled

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON		✓	
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	
REP. FRANCE		✓	
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 91

DATE 2/19/21

MOTION Reconsider the Motion

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR	✓		
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN	✓		
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM	✓		
REP. BISHOP	✓		
REP. J. HINKLE	✓		
REP. HAWK	✓		
REP. SKEES	✓		
REP. FARRIS-OLSEN	✓		
REP. FRANCE	✓		
REP. USHER, CHAIR	✓		

19 MEMBERS

WITNESS STATEMENT

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Thursday, February 18, 2021 8:54 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-426: Revise laws regarding interactions between DPHHS and child and family ombudsman 2021-02-19 08:00 AM - (H) Judiciary Successfully Submitted on 02-18-21 08:54

Details:

Bill: HB-426: Revise laws regarding interactions between DPHHS and child and family ombudsman 2021-02-19 08:00 AM
- (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: disability rights montana

Name: Beth Brenneman

Email: beth@disbilityrightsmt.org

Phone: (406) 431-1433

City, State: Helena

Written Statement: As strong supporters of the Child and Family Ombudsman office, we are in support of this bill. We have reviewed reports issued by the office and believe them to be fair, well-documented and tremendously helpful in identifying CFSD's compliance with internal policies, as well as with state law. It has been a bit surprising that in the cases in which we have been familiar with the issues and known the parties involved, we have not seen any response by CFSD to the findings of the office - whether they believed the findings to be accurate or not. Given that one of the reasons that this office was created was to improve the provision of services by CFSD, having CFSD respond to these findings it an important part of the work. Please support the bill. - Beth Brenneman, Disability Rights Montana

Files:

Testify via Zoom: No

Zoom Method: N/A

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Thursday, February 18, 2021 11:33 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-416: Establishing educational requirements for child welfare system supervisors 2021-02-19 08:00 AM - (H) Judiciary Successfully Submitted on 02-18-21 11:32

Details:

Bill: HB-416: Establishing educational requirements for child welfare system supervisors 2021-02-19 08:00 AM - (H) Judiciary

Position: Informational Witness

Representing an Entity/Another Person: Yes

Organization: UM Center - Children, Families & Workforce

Name: Dr. Ryan Tolleson Knee

Email: Ryan.tollesonknee@umontana.edu

Phone: (406) 529-6499

City, State: Missoula, MT

Written Statement: The University of Montana's Center for Children, Families, and Workforce Development has been working with Child and Family Services to provide supervisory training and leadership coaching to supervisors. One portion of the training includes a leadership academy that consists of three components that occur over several months and includes: 1) a series of eLearning courses; 2) web-based and/or in-person workshops; and one on one coaching and mentoring. Topics include: communication, delegation, supervising and managing staff, resolving conflict, analyzing and solving problems, using authority/power effectively, building teams, running meetings effectively, hiring and retaining staff, building positive work cultures, motivating staff to achieve goals, and managing stress. Participants rated the leadership academy portion of the training program as follows: 95% indicated that the academy was aligned with current supervisory demands; 100% would recommend the program to other supervisors, and 70% identified coaching as the most effective of the program components.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Friday, February 19, 2021

HB 426 - Revise laws regarding interactions between DPHHS and child and family ombudsman

Sponsor: Rep. Dennis Lenz (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Friday, February 19, 2021

HB 398 - Allow legislators to review child and family ombudsman records

Sponsor: Rep. Dennis Lenz (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Friday, February 19, 2021

HB 416 - Establishing educational requirements for child welfare system supervisors

Sponsor: Rep. Dennis Lenz (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

House Judiciary Zoom Testimony 02.19.2021

Bill	Name	Location	Email	Position	Affiliation
HB-398	Proponents				
HB-398	Dana Toole	Helena, Montana	dtoole@mt.gov	Proponent	MT Department of Justice
HB-416	Opponent				
HB-416	Marti Vining	Great Falls, Montana	mvining@mt.gov	Opponent	MT Dept. Of Health and Human Services
HB-416	Informational Witness				
HB-416	Dr. Ryan Tolleson Knee	Missoula, Montana	ryan.tollesonknee@umontana.edu	Informational Witness	UM Center-Children, Families & Workforce
HB-426	Proponent				
HB-426	Dana Toole	Helena, Montana	dtoole@mt.gov	Proponent	MT Department of Justice
HB-426	Informational Witness				
HB-426	Marti Vining	Great Falls, Montana	mvinning@mt.gov	Informational Witness	MT Department of Health and Human Services

MINUTES

MONTANA HOUSE OF REPRESENTATIVES

67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on February 24, 2021 at 7:00 A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Barry Usher, Chair (R)
Rep. Kathy Kelker, Vice Chair (D)
Rep. Amy Regier, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Laurie Bishop (D)
Rep. Jennifer Carlson (R)
Rep. Robert Farris-Olsen (D)
Rep. Frank Fleming (R)
Rep. Tom France (D)
Rep. Jane Gillette (R)
Rep. Donavon Hawk (D)
Rep. Jedediah Hinkle (R)
Rep. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Ed Stafman (D)
Rep. Mallerie Stromswold (R)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Dennis R. Lenz (R)
Rep. Brandon Ler (R)

Members Absent: None

Staff Present:

Lydia Balian, Committee Secretary
Rachel Weiss, Legislative Branch
Hallie Swain, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 584, 2/23/2021; HB 578, 2/23/2021; HB 559, 2/23/2021; HB 480, 2/23/2021; HB 391, 2/23/2021; HB 553, 2/23/2021; HB 481, 2/23/2021; HB 560, 2/23/2021; HJ 13, 2/23/2021; HB 581, 2/23/2021; HB 555, 2/23/2021; HB 557, 2/23/2021; HB 591, 2/23/2021; HB 592, 2/23/2021; HB 596, 2/23/2021; HB 552, 2/23/2021

Executive Action on: HB 584; HB 578; HB 559; HB 480; HB 391; HB 553; HB 258; HB 555; HJ 13; HB 591; HB 592; HB 596; HB 581; HB 557

07:04:50 Chair Usher left the meeting.
07:05:05 Vice Chair Regier assumed the chair.

HEARING ON HB 584

Opening Statement by Sponsor:

07:05:19 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 584, Requiring certain costs paid to detention center be based on actual costs.

Proponents' Testimony:

07:07:43 Nannette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

07:08:58 Vice Chair Kelker
07:10:05 Rep. Seekins-Crowe
07:10:10 Rep. Skees and Rep. Phalen left the meeting.

Closing by Sponsor:

07:11:00 Rep. Seekins-Crowe

EXECUTIVE ACTION ON HB 584

07:12:06 Rep. Tenenbaum

Discussion:

07:12:24 Rep. Berglee

07:12:58 **Motion/Vote:** Rep. Berglee moved that **HB 584 DO PASS**. Motion carried 17-2 by voice vote with Rep. Bishop and Rep. Tenenbaum voting no. Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Usher voted by proxy.

Discussion:

07:13:44 Rep. Berglee
07:13:50 Rep. France
07:14:03 Rep. Tenenbaum
07:14:54 Rep. Hinkle

HEARING ON HB 578

Opening Statement by Sponsor:

07:15:57 Rep. Terry Moore (R), HD 54, opened the hearing on HB 578, Revise laws related to commitment of defendants.

Proponents' Testimony:

07:17:41 Aimee Grmoljez, City of Billings
07:20:07 Josh Racki, Montana County Attorneys' Association (MCAA)

07:21:39 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)
07:22:46 Dan Smith, Montana Police Protective Association (MPPA)
07:23:14 Chris Kukulski, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

07:25:08 Vice Chair Kelker
07:26:46 Nanette Gilbertson, MSPOA
07:27:28 Rep. Carlson
07:27:46 Rep. Gillette left the meeting.
07:27:59 Rep. Moore
07:28:23 Nanette Gilbertson, MSPOA
07:29:01 Aimee Grmoljez, City of Billings
07:29:20 Rep. Tenenbaum
07:30:00 Rep. Moore
07:30:43 Josh Racki, MCAA

Closing by Sponsor:

07:31:37 Rep. Moore

EXECUTIVE ACTION ON HB 578

07:32:26 **Motion:** Rep. Berglee moved that **HB 578 DO PASS.**

Discussion:

07:32:37 Rep. Fleming

07:33:37 **Vote:** Motion carried unanimously by voice vote. Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Usher voted by proxy.

HEARING ON HB 559

Opening Statement by Sponsor:

07:34:20 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 559, Revise requirements for dissemination of confidential criminal justice info.

07:34:27 Rep. J. Hinkle left the meeting.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

07:37:29 Vice Chair Kelker
07:37:36 Rep. Phalen, Rep. Gillette and Chair Usher rejoined the meeting.

07:39:57 Rep. Mercer
07:41:03 Rep. Farris-Olsen
07:41:31 Rep. Mercer

Closing by Sponsor:

07:43:13 Rep. Mercer

07:43:20 Rep. Ler joined the meeting.

EXECUTIVE ACTION ON HB 559

07:43:37 **Motion/Vote:** Rep. A. Regier moved that **HB 559 DO PASS**. Motion carried 18-1 by voice vote with Rep. Farris-Olsen voting no. Rep. J. Hinkle, Rep. Lenz and Rep. Skees voted by proxy.

HEARING ON HB 480

Opening Statement by Sponsor:

07:44:41 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 480, Revise order of protection laws regarding incapacitated persons.

Proponents' Testimony:

07:47:45 Beth Brenneman, Disability Rights Montana (DRM)
07:49:34 Adrienne Cotton, American Association of Retired Persons (AARP)
07:50:57 Adrian Miller, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

07:54:16 Rep. Mercer

EXECUTIVE ACTION ON HB 480

07:54:39 **Motion/Vote:** Rep. A. Regier moved that **HB 480 DO PASS**. Motion carried unanimously by voice vote. Rep. J. Hinkle, Rep. Lenz, and Rep. Skees voted by proxy.

HEARING ON HB 391

Opening Statement by Sponsor:

07:55:49 Rep. Frank Fleming (R), HD 51, opened the hearing on HB 391, Revise and enhance penalties for criminal distribution of dangerous drugs.

Proponents' Testimony:

07:58:12 Cory Swanson, Montana County Attorneys' Association (MCAA)
08:01:43 Josh Racki, Montana County Attorneys' Association (MCAA)

08:03:52 Michelle Mitchell Devine, self
08:05:17 Rep. Gillette left the meeting.
08:06:35 Alan Doane, Montana Department of Justice (DOJ)
08:06:55 Shelby DeMars, Montana Police Protective Association (MPPA)
08:07:28 Scott Twito, Yellowstone County Attorney
08:07:58 Marty Lambert, Gallatin County Attorney

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:10:00 Rep. Phalen
08:10:03 Rep. J. Hinkle rejoined the meeting.
08:10:33 Cory Swanson, MCAA
08:11:28 Rep. Carlson
08:12:03 Marty Lambert, Gallatin County Attorney
08:13:00 Rep. Carlson
08:15:29 Josh Racki, MCAA
08:15:42 Rep. Stafman
08:18:31 Cory Swanson, MCAA
08:19:50 Rep. Tenenbaum
08:22:19 Rep. Fleming

Closing by Sponsor:

08:22:55 Rep. Fleming

EXECUTIVE ACTION ON HB 391

08:23:22 **Motion:** Rep. A. Regier moved that **HB 391 DO PASS.**

Discussion:

08:23:33 Rep. Stafman
08:24:32 Rep. France
08:25:28 Rep. Tenenbaum
08:26:54 Rep. Carlson

08:27:16 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman, Rep. Stromswold and Rep. Tenenbaum voting no. Rep. Gillette, Rep. Lenz and Rep. Skees voted by proxy.

HEARING ON HB 481

Opening Statement by Sponsor:

08:28:31 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 481, Protect critical infrastructure.

Proponents' Testimony:

08:30:36 Alan Olsen, Montana Petroleum Association (MPA)

08:32:02 Ryan Hall, Montana Electric Cooperatives Association (MECA)
08:33:09 Peggy Trenk, Treasure State Resources Association (TSRA)
08:34:32 Melissa Lewis, Charter Spectrum
08:35:11 Shelby DeMars, Montana Association of Oil, Gas, & Coal Counties
08:35:59 Laurie Shaw, Northwestern Energy

Opponents' Testimony:

08:39:04 Jestin Dupre, Fort Peck Tribes
08:39:54 Vice Chair Regier assumed the chair.
08:40:56 Adam Haight, Montana American Federation of Labor & Congress of Industrial Organizations (MTAFL-CIO)
08:41:19 Makenna Sellers, Northern Plains Resource Council (NPRC)
08:44:01 Sam Forstag, American Civil Liberties Union of Montana (ACLU)
08:46:04 Keaton Sunchild, Western Native Voice (WNV)
08:47:21 Jordan Thompson, Confederated Salish and Kootenai Tribes (CSKT)
08:47:49 Rep. Lenz joined the meeting.
08:48:01 Daliyah KILLSBACK, Western Native Voice (WNV)
08:49:15 Whitner Chase, Montana Conservation Voters (MCV)
08:49:42 Dick Iversen, self
08:54:09 Pat Runs Through, self
08:57:29 Ta'jin Perez, self
09:00:02 Anne Ostby, self
09:01:48 Derf Johnson, Montana Environmental Information Center (MEIC)
09:05:23 Laurie Little Dog, self
09:07:13 Daniel Wenner, Fort Peck Tribes
09:09:01 Joan Kresich, Northern Plains Resource Council (NPRC)
09:11:50 Josh Butterfly, Opening Doors

Informational Testimony: None

Questions from Committee Members and Responses:

09:13:36 Rep. Tenenbaum
09:14:55 Rep. Gunderson
09:15:20 Rep. Berglee
09:16:47 Rep. Gillette rejoined the meeting.
09:19:11 Sam Forstag, ACLU
09:20:28 Rep. J. Hinkle
09:21:10 Rep. Skees joined the meeting.
09:23:07 Keaton Sunchild, WNV
09:23:35 Rep. Gunderson
09:24:20 Vice Chair Kelker
09:28:50 Derf Johnson, MEIC
09:30:19 Rep. Ler
09:31:25 Dick Iversen, self
09:32:13 Rep. Stafman
09:37:06 Sam Forstag, ACLU
09:37:20 Rep. Phalen

Closing by Sponsor:

09:37:56 Rep. Gunderson

09:41:08 Recess
09:53:26 Reconvened with Rep. Ler and Rep. Lenz excused.

HEARING ON HB 560

Opening Statement by Sponsor:

09:53:40 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 560, Establish the Montana second amendment preservation act.

Proponents' Testimony:

09:56:57 Garrett Bacon, self
09:58:03 Keith Kubista, self

Opponents' Testimony:

09:59:50 Amanda Curtis, Montana Federation of Public Employees (MFPE)

Informational Testimony: None

Questions from Committee Members and Responses:

10:03:13 Rep. Skees
10:04:27 Amanda Curtis, MFPE
10:04:51 Rep. Carlson
10:06:30 Rep. Gunderson
10:07:52 Vice Chair Kelker
10:08:54 Rep. Gunderson
10:10:48 Chair Usher
10:12:07 Rep. Ler joined the meeting.
10:12:46 Amanda Curtis, MFPE

Closing by Sponsor:

10:13:08 Rep. Gunderson

HEARING ON HB 553

Opening Statement by Sponsor:

10:14:58 Rep. Jimmy Patelis (R), HD 52, opened the hearing on HB 553, Limit time of suspended sentences for felony convictions.

Proponents' Testimony:

10:21:21 Sam Forstag, American Civil Liberties Union of Montana (ACLU)
10:22:09 SK Rossi, Montana Innocence Project (MTIP)
10:23:08 Zuri Moreno, Montana Budget & Policy Center (MBPC)
10:23:20 Vice Chair Regier left the meeting.

Opponents' Testimony:

10:24:48 Cory Swanson, Montana County Attorneys' Association (MCAA)
10:26:11 Chair Usher left the meeting.
10:26:23 Vice Chair Kelker assumed the chair.

Informational Testimony: None

Questions from Committee Members and Responses:

10:28:48 Rep. Carlson
10:28:57 Chair Usher and Vice Chair Regier rejoined the meeting.
10:30:27 Rep. Patelis
10:31:16 Vice Chair Kelker
10:31:50 Rep. Patelis
10:31:56 Rep. Lenz joined the meeting. Rep. Farris-Olsen left the meeting.

Closing by Sponsor:

10:35:05 Rep. Patelis

EXECUTIVE ACTION ON HB 553

10:37:19 **Motion:** Rep. A. Regier moved that **HB 553 DO PASS.**

Discussion:

10:37:29 Vice Chair Kelker
10:38:53 Rep. Fleming
10:40:38 Chair Usher

10:41:10 **Vote:** Motion carried unanimously by voice vote. Rep. Farris-Olsen voted by proxy.

EXECUTIVE ACTION ON HB 258

10:42:56 **Motion/Vote:** Rep. A. Regier moved that **HB 258 BE REMOVED FROM TABLE.** Motion carried without objection.

10:44:20 **Motion:** Rep. J. Hinkle moved to **RECONSIDER THE MOTION ON AMENDMENT HB258.1.1 AND AMENDMENT HB258.1.3 on HB 258.**

Discussion:

10:45:01 Chair Usher
10:45:51 Vice Chair Kelker

10:46:33 **Vote:** Motion carried 15-4 by voice vote with Rep. Farris-Olsen, Rep. Hawk, Rep. Kelker and Rep. Stafman voting no. Rep. Farris-Olsen voted by proxy.

10:47:06 **Motion:** Rep. J. Hinkle moved that **HB 258 BE AMENDED.**
[EXHIBIT\(juh39a01\)](#)

Discussion:

10:47:23 Rachel Weiss, Legislative Services Division (LSD)
10:48:32 Rep. J. Hinkle
10:50:26 Rep. France left the meeting.

10:48:47 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Farris-Olsen and Rep. France voted by proxy.

10:49:44 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS AS AMENDED**.

10:49:50 Rep. France rejoined the meeting.

10:49:52 **Motion/Vote:** Rep. J. Hinkle moved that **HB 258 BE AMENDED**. Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Farris-Olsen voted by proxy.

EXHIBIT(juh39a02)

10:52:14 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS AS AMENDED**.

Discussion:

10:52:26 Rep. Carlson

10:52:40 Rep. Skees

10:52:56 Rep. Phalen

10:53:06 Chair Usher

10:53:34 Rep. France

10:55:15 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Farris-Olsen voted by proxy.

HEARING ON HJ 13

Opening Statement by Sponsor:

11:13:55 Rep. Neil Duram (R), HD 2, opened the hearing on HJ 13, Resolution for Article V US constitution convention of states.

11:14:09 Rep. Farris-Olsen rejoined the meeting.

Proponents' Testimony:

11:23:20 Sen. Molnar

11:27:06 Terry Kramer, self

11:32:49 Sen. McGillvray

EXHIBIT(juh39a03)

11:39:56 Clifford Sisko, self

11:41:19 Tracy Schuster, self

Opponents' Testimony:

11:45:29 Rep. Windy Boy

11:47:15 Ed Regan, Broadwater County Republican Central Committee

11:52:31 Rep. Phalen

11:53:14 Jim Buterbaugh, self

11:54:03 Cory O'Brian, self

11:55:29 Billy Ross, self

11:58:47 Wayne Rusk, self

12:01:39 Clare Parker, self

12:05:27 Curtis Hughes, self

12:08:42 Ed Dobrowski, self
12:09:29 Amel McEuan, self
12:13:59 Thomas Millett, self

Informational Testimony: None

Questions from Committee Members and Responses:

12:15:43 Rep. Gillette
12:16:36 Sen. McGillvray
12:18:14 Rep. J. Hinkle
12:24:25 Rep. Duram
12:25:08 Rep. Carlson
12:25:22 Rep. J. Hinkle
12:25:52 Rep. Carlson
12:27:44 Sen. McGillvray
12:28:54 Rep. Carlson
12:30:11 Rep. Skees
12:34:00 Rep. Duram
12:34:18 Rep. Skees
12:37:25 Sen. McGillvray
12:38:14 Chair Usher
12:40:02 Rep. Duram
12:41:08 Rep. Carlson
12:41:27 Rep. Ler
12:41:49 Rep. Duram

Closing by Sponsor:

12:42:07 Rep. Duram

12:46:36 Recess
15:02:30 Reconvened with Rep. Carlson, Rep. Berglee, Rep. Phalen, Rep. Lenz, Rep. Ler, Rep. France and Rep. Hawk excused.

HEARING ON HB 555

Opening Statement by Sponsor:

15:02:44 Rep. Matt Regier (R), HD 4, opened the hearing on HB 555, Revise civil liability laws on personal property exempt from execution.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

15:03:48 Rep. Regier

15:04:06 Rep. J. Hinkle

EXECUTIVE ACTION ON HB 555

15:04:56 **Motion/Vote:** Rep. A. Regier moved that **HB 555 DO PASS**. Motion carried unanimously by voice vote. Rep. Berglee, Rep. Carlson, Rep. France, Rep. Gillette, Rep. Hawk, Rep. Lenz, Rep. Ler and Rep. Phalen voted by proxy.

15:06:00 Rep. Phalen, Rep. Carlson and Rep. Hawk joined the meeting.

EXECUTIVE ACTION ON HJ 13

15:06:46 **Motion:** Rep. A. Regier moved that **HJ 13 DO PASS**.

Discussion:

15:06:59 Rep. J. Hinkle

15:08:40 Rep. Carlson

15:10:10 Rep. Skees

15:12:14 **Vote:** Motion failed 6-13 by roll call vote with Rep. Berglee, Rep. Carlson, Rep. Fleming, Rep. Lenz, Rep. A. Regier and Rep. Stromswold voting aye. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz and Rep. Ler voted by proxy.

15:13:21 **Motion/Vote:** Rep. A. Regier moved that **HJ 13 BE TABLED**. Motion carried without objection.

15:13:38 Rep. Carlson

15:14:05 Rep. Skees

HEARING ON HB 591

Opening Statement by Sponsor:

15:14:58 Rep. Joe Read (R), HD 93, opened the hearing on HB 591, Generally revise evidence laws.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

HEARING ON HB 592

Opening Statement by Sponsor:

15:16:13 Rep. Joe Read (R), HD 93, opened the hearing on HB 592, Generally revise absolute liability laws.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

HEARING ON HB 596

Opening Statement by Sponsor:

15:16:28 Rep. Joe Read (R), HD 93, opened the hearing on HB 596, Generally revise laws related to false arrest and imprisonment.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

EXECUTIVE ACTION ON HB 591

15:17:02 **Motion/Vote:** Rep. A. Regier moved that **HB 591 BE TABLED**. Motion carried without objection.

EXECUTIVE ACTION ON HB 592

15:17:22 **Motion/Vote:** Rep. A. Regier moved that **HB 592 BE TABLED**. Motion carried without objection.

EXECUTIVE ACTION ON HB 596

15:17:39 **Motion/Vote:** Rep. A. Regier moved that **HB 596 BE TABLED**. Motion carried without objection.

15:18:06 Rachel Weiss, Legislative Service Division (LSD)

HEARING ON HB 581**Opening Statement by Sponsor:**

15:18:41 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB 581, Revise gun storage laws.

Proponents' Testimony:

15:21:57 Ione Young, Montana Moms Demand Action

Opponents' Testimony:

15:25:56 Garrett Bacon, self

15:25:59 Rep. Skees left the meeting.

Informational Testimony: None**Questions from Committee Members and Responses:**

15:27:53 Rep. J. Hinkle

15:29:59 Rep. Farris-Olsen

15:30:23 Chair Usher

15:30:51 Rep. Farris-Olsen

15:30:59 Rep. Tenenbaum left the meeting.

Closing by Sponsor:

15:31:42 Rep. Farris-Olsen

EXECUTIVE ACTION ON HB 581

15:32:21 **Motion:** Rep. A. Regier moved that **HB 581 DO PASS**.

Discussion:

15:32:26 Chair Usher

15:32:48 Rep. Bishop

15:34:42 Rep. Stromswold left the meeting.

15:35:02 Vice Chair Kelker

15:36:34 Rep. J. Hinkle

15:37:42 Chair Usher

15:38:37 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Skees, Rep. Stromswold and Rep. Tenenbaum voted by proxy.

15:40:38 **Motion/Vote:** Rep. A. Regier moved that **HB 581 BE TABLED**. Motion carried without objection.

HEARING ON HB 557**Opening Statement by Sponsor:**

15:41:06 Rep. Jonathan Windy Boy (D), HD 32, opened the hearing on HB 557, Revise missing person laws.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

15:46:21 Rep. Hawk
15:46:54 Rep. Windy Boy
15:47:30 Vice Chair Kelker
15:48:26 Rep. Stromswold rejoined the meeting.
15:48:52 Rep. Windy Boy
15:50:23 Rep. Hawk
15:51:13 Rep. Carlson

Closing by Sponsor:

15:51:55 Rep. Windy Boy

EXECUTIVE ACTION ON HB 557

15:52:21 **Motion:** Rep. A. Regier moved that **HB 557 DO PASS.**

Discussion:

15:52:44 Vice Chair Kelker
15:53:55 Rep. Carlson
15:54:29 Rep. Bishop
15:55:11 Rep. Hawk
15:55:45 Chair Usher
15:56:09 Rep. Fleming
15:56:00 Rep. Farris-Olsen left the meeting.
15:57:29 Rep. Phalen
15:57:41 Rep. Carlson
15:58:09 Chair Usher
15:58:25 Rep. Phalen and Rep. Gillette left the meeting.
15:58:34 Rep. Kelker

15:59:05 **Vote:** Motion failed unanimously by voice vote. Rep. Berglee, Rep. Farris-Olsen, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Tenenbaum voted by proxy.

15:59:52 **Motion/Vote:** Rep. A. Regier moved that **HB 557 BE TABLED.** Motion carried 10-0 by voice vote.

HEARING ON HB 552**Opening Statement by Sponsor:**

16:00:42 Rep. Ed Stafman (D), HD 62, opened the hearing on HB 552, Establish Montana racial justice act.

16:03:04 Chair Usher left the meeting.

16:03:11 Vice Chair Regier assumed the chair.

Proponents' Testimony:

16:07:02 Sam Forstag, American Civil Liberties Union of Montana (ACLU)

16:08:02 Keaton Sunchild, Western Native Voice (WNV)

16:08:25 Chair Usher rejoined the meeting.

16:09:46 Kelly Twoteeth, Indigenous Organizers Collective

16:10:09 Vice Chair Regier left the meeting.

16:10:52 Jasmine Krotkov, self

16:11:22 Rep. Carlson left the meeting.

16:13:27 Travis McAdam, Montana Human Rights Network (MHRN)

16:15:03 Myshell Lyday, Montana Association of Criminal Defense Lawyers

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

16:20:38 Rep. Hawk

16:21:22 Chair Usher

16:21:51 Rep. Hawk

16:22:11 Rep. Stafman

16:23:40 Vice Chair Kelker

16:26:33 Rep. Stafman

16:28:31 Rep. Fleming

16:30:11 Rep. Carlson rejoined the meeting.

16:33:02 Rep. Stafman

Closing by Sponsor:

16:33:51 Rep. Stafman

EXECUTIVE ACTION ON HB 552

16:37:48 **Motion:** Rep. A. Regier moved that **HB 552 DO PASS.**

Discussion:

16:37:55 Rep. Stafman

16:38:24 Rep. Ler left the meeting.

16:38:33 Vice Chair Regier rejoined the meeting.

16:38:48 Rep. Fleming

16:40:26 Vice Chair Kelker

16:41:34 Rep. Hawk

16:42:33 Rep. J. Hinkle

16:43:46 Rep. Bishop
16:45:19 Rep. Stafman
16:47:06 Chair Usher

16:48:21 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Berglee, Rep. Farris-Olsen, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Tenenbaum voted by proxy.

16:49:17 **Motion/Vote:** Rep. A. Regier moved that **HB 552 BE TABLED**. Motion carried without objection.

EXECUTIVE ACTION ON HB 91

16:49:36 **Motion/Vote:** Rep. A. Regier moved that **HB 91 BE REMOVED FROM TABLE**. Motion carried without objection.

Discussion:

16:50:12 Rep. Stafman
16:50:53 Vice Chair Kelker
16:51:58 Rachel Weiss, Legislative Services Division (LSD)

EXHIBIT(juh39a04)

16:56:56 **Motion:** Rep. A. Regier moved that **HB 91 BE AMENDED**.
EXHIBIT(juh39a05)

Discussion:

16:57:24 Vice Chair Kelker
16:57:56 Chair Usher
16:59:13 Rep. Stafman left the meeting. Rep. Farris Olsen rejoined the meeting.

16:58:13 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees, Rep. Stafman and Rep. Tenenbaum voted by proxy.

16:59:32 **Motion/Vote:** Rep. A. Regier moved that **HB 91 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees, Rep. Stafman and Rep. Tenenbaum voted by proxy.

EXECUTIVE ACTION ON HB 333

17:00:36 **Motion:** Rep. Kelker moved to **RECONSIDER THE MOTION** on **HB 333**.

17:00:55 **Motion/Vote:** Rep. A. Regier moved that **HB 333 BE REMOVED FROM TABLE**. Motion carried without objection.

17:01:11 **Motion/Vote:** Rep. A. Regier moved that **HB 333 DO PASS AS AMENDED**. Motion carried 14-5 by roll call vote with Rep. Berglee, Rep. Carlson, Rep. J. Hinkle, Rep. Ler and Rep. Stromswold voting no. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees, Rep. Stafman and Rep. Tenenbaum voted by proxy.

17:06:44 Rachel Weiss, LSD

ADJOURNMENT

Adjournment: 17:12:01

Lydia Balian, Secretary

lb

Additional Documents:

EXHIBIT([juh39aad.pdf](#))



2021 Session

Additional Documents

May include the following:

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
 - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

The original exhibit/items are on file at the Montana Historical Society and may be viewed there.

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Wednesday, February 24, 2021

Place: Capitol

Time: 7:00 A.M.

Room: 137

BILLS and RESOLUTIONS HEARD:

- HB 391 - Revise and enhance penalties for criminal distribution of dangerous drugs - Rep. Frank Fleming (R)
- HB 480 - Revise order of protection laws regarding incapacitated persons - Rep. Bill Mercer (R)
- HB 481 - Protect critical infrastructure - Rep. Steve Gunderson (R)
- HB 552 - Establish Montana racial justice act - Rep. Ed Stafman (D)
- HB 553 - Limit time of suspended sentences for felony convictions - Rep. Jimmy Patelis (R)
- HB 555 - Revise civil liability laws on personal property exempt from execution - Rep. Matt Regier (R)
- HB 557 - Revise missing person laws - Rep. Jonathan Windy Boy (D)
- HB 559 - Revise requirements for dissemination of confidential criminal justice info - Rep. Bill Mercer (R)
- HB 560 - Establish the Montana second amendment preservation act - Rep. Steve Gunderson (R)
- HB 578 - Revise laws related to commitment of defendants - Rep. Terry Moore (R)
- HB 581 - Revise gun storage laws - Rep. Robert Farris-Olsen (D)
- HB 584 - Requiring certain costs paid to detention center be based on actual costs - Rep. Kerri Seekins-Crowe (R)
- HB 591 - Generally revise evidence laws - Rep. Joe Read (R)
- HB 592 - Generally revise absolute liability laws - Rep. Joe Read (R)
- HB 596 - Generally revise laws related to false arrest and imprisonment - Rep. Joe Read (R)
- HJ 13 - Resolution for Article V US constitution convention of states - Rep. Neil Duram (R)

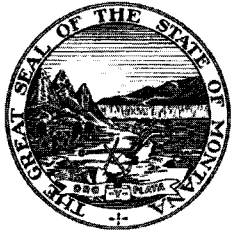
EXECUTIVE ACTION TAKEN:

HB 584 - Do Pass
HB 578 - Do Pass
HB 559 - Do Pass
HB 480 - Do Pass
HB 391 - Do Pass
HB 553 - Do Pass
HB 258 - Do Pass as Amended
HB 555 - Do Pass
HJ 13 - Be Tabled
HB 591 - Be Tabled
HB 592 - Be Tabled
HB 596 - Be Tabled
HB 581 - Be Tabled
HB 557 - Be Tabled
HB 552 - Be Tabled
HB 91 - Do Pass as Amended
HB 333 - Do Pass as Amended

Comments:



REP. Barry Usher, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE: 2 / 24 / 21

NAME	PRESENT	ABSENT/EXCUSED
REP. USHER, CHAIR	✓	
REP. AMY REGIER, VICE CHAIR	✓	
REP. KELKER, VICE CHAIR	✓	
REP. BERGLEE	✓	
REP. BISHOP	✓	
REP. CARLSON	✓	
REP. FARRIS-OLSEN	✓	
REP. FLEMING	✓	
REP. FRANCE	✓	
REP. GILLETTE	✓	
REP. HAWK	✓	
REP. JEDEDIAH HINKLE	✓	
REP. LENZ		✓
REP. LER		✓
REP. PHALEN	✓	
REP. SKEES	✓	
REP. STAFMAN	✓	
REP. STROMSWOLD	✓	
REP. TENENBAUM	✓	

19 MEMBERS



HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 584** (first reading copy -- white) **do pass.**

Signed: _____

Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 17, No 2

Fiscal Note Required ☐

HB0584001SC.hlc

2.24.21
JR 2:43pm
(P)



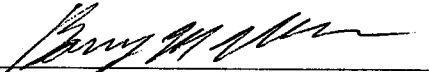
HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 578** (first reading copy -- white) **do pass.**

Signed: 
Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 19, No 0

Fiscal Note Required ☐

HB0578001SC.hlc

2.24.21
JR 12:39pm
⑦



HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 559** (first reading copy -- white) do pass.

Signed: _____

Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 18, No 1

Fiscal Note Required ____

HB0559001SC.h1c

2.24.21
JR 2:44pm
⑦



HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 480** (first reading copy -- white) **do pass.**

Signed: _____

Barry Usher
Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 19, No 0

Fiscal Note Required ____

HB0480001SC.hlc

2-24-21
JR 12:40pm
(K)



HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 391** (first reading copy -- white) **do pass.**

Signed: _____

Barry M. Usher
Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 10, No 9

Fiscal Note Required ☐

HB0391001SC.hlc

2.24.21
JR 12:40pm
(1)



HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 553** (first reading copy -- white) **do pass.**

Signed: _____

Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 19, No 0

Fiscal Note Required ____

HB0553001SC.hlc

2-24-21
JR 2:44pm
(F)



HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 258** (first reading copy -- white) **do pass as amended.**

Signed: _____

Representative Barry Usher, Chair

And, that such amendments read:

1. Title, line 4.

Strike: "ANY"

Insert: "A"

2. Title, line 6.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 19.

Following: "regulation"

Insert: "that is enacted, adopted, or becomes effective on or after January 1, 2021"

4. Page 1, line 20.

Strike: "an existing"

Insert: "a"

5. Page 1, line 20.

Following: "law"

Insert: "that existed on January 1, 2021,"

6. Page 2, line 9 through line 17.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

7. Page 2, line 19.

Strike: "in an action that does not have the"

Insert: ", communicating, or collaborating with a federal agency if the primary"

8. Page 2, line 20.

Strike: "of enforcing"

Insert: "is not:

Committee Vote:

Yes 12, No 7

Fiscal Note Required ____

HB0258001SC.hlc

2.24.21
SR 12:29pm
(K)

- (a) law enforcement activity related to a federal ban; or
- (b) the investigation of a violation of"

9. Page 3.

Following: line 2

Insert: "NEW SECTION. **Section 8. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to a federal law, executive order, rule, or regulation adopted or enacted on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021."

- END -



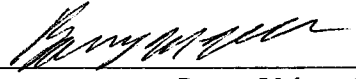
HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 555** (first reading copy -- white) **do pass**.

Signed: 
Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 19, No 0

Fiscal Note Required ☐

HB0555001SC.hlc

2-25-21
TR 11:03 AM
(P)



HOUSE STANDING COMMITTEE REPORT

February 23, 2021

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 91** (first reading copy -- white) do **pass as amended**.

Signed: _____

Representative Barry Usher, Chair

And, that such amendments read:

1. Title, line 6.

Following: "YEARS"

Insert: "FOR CERTAIN VIOLENT OFFENDERS"

2. Title, line 7.

Following: "YEARS;"

Insert: "REVISING WHEN AN OFFENDER MAY NOT PETITION TO BE REMOVED FROM THE
SEXUAL OR VIOLENT OFFENDER REGISTRIES;"

3. Page 1, line 14.

Following: "~~register~~"

Strike: ":"

4. Page 1, line 15.

Following: "~~(a)~~"

Strike: "(i)"

5. Page 1, line 16.

Following: "~~but~~"

Strike: ";"

6. Page 1, line 17.

Strike: "(ii)"

Following: "after"

Insert: "registering for"

Following: "register"

Insert: "unless convicted as provided in subsection (2)(b)"

7. Page 1, line 22.

Following: line 21

Insert: "(b) If convicted during the 10-year period provided in subsection
(2)(a) of failing to register or keep registration current or of a
felony, the offender shall register for the remainder of the offender's

Committee Vote:

Yes 19, No 0

Fiscal Note Required ☐

HB0091003SC.hlc

2.25.21
7A 12:45pm
(7)

life unless relieved of the duty to register as provided in subsection (3)."

Renumber: subsequent subsections

8. Page 1, line 22.

Following: "(2)(a)"

Strike: "(ii)"

9. Page 2, line 1.

Following: "a"

Insert: "violent offender registered as provided in subsection (2)(b) or a"

10. Page 2, line 26.

Following: "sexual"

Insert: "or violent"

- END -



HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 333** (first reading copy -- white) **do pass as amended.**

Signed: _____

Representative Barry Usher, Chair

And, that such amendments read:

1. Page 1, line 19.

Strike: "was"

Insert: "is currently"

- END -

Committee Vote:

Yes 14, No 5

Fiscal Note Required ☐

HB0333003SC.hlc

2-25-21
11:05pm
(R)

COMMITTEE FILE COPY

BILL TABLED NOTICE

HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED

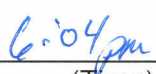
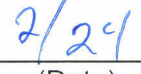
HB 552 - Establish Montana racial justice act - Rep. Ed Stafman (D)
HB 557 - Revise missing person laws - Rep. Jonathan Windy Boy (D)
HB 581 - Revise gun storage laws - Rep. Robert Farris-Olsen (D)
HB 591 - Generally revise evidence laws - Rep. Joe Read (R)
HB 592 - Generally revise absolute liability laws - Rep. Joe Read (R)
HB 596 - Generally revise laws related to false arrest and imprisonment - Rep. Joe Read (R)
HJ 13 - Resolution for Article V US constitution convention of states - Rep. Neil Duram (R)

by motion, on **Wednesday, February 24, 2021** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).



(For the Committee)



(For the Chief Clerk of the House)
 / 

(Time) (Date)

February 24, 2021 (5:50pm)

Lydia Balian, Secretary

Phone: 444-4872



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

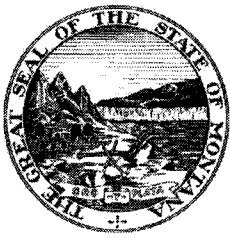
BILL NUMBER HB 391

DATE 2/24/21

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON		✓	
REP. STROMSWOLD		✓	
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		✓
REP. GILLETTE	✓		✓
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		✓
REP. FARRIS-OLSEN		✓	
REP. FRANCE		✓	
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

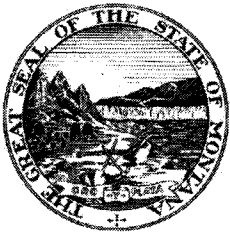
BILL NUMBER HB 258

DATE 2/24/21

MOTION Do Pass Amendment HB258.1.4

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	✓
REP. FRANCE		✓	✓
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

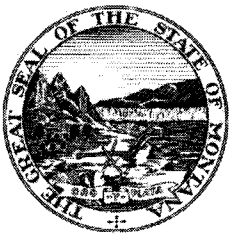
BILL NUMBER HB 258

DATE 2/24/21

MOTION Do Pass Amendment HB258.1.5

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	✓
REP. FRANCE		✓	
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 258

DATE 2/24/21

MOTION Do Pass as Amended

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		
REP. PHALEN	✓		
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		
REP. GILLETTE	✓		
REP. LER	✓		
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE	✓		
REP. HAWK		✓	
REP. SKEES	✓		
REP. FARRIS-OLSEN		✓	✓
REP. FRANCE		✓	
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

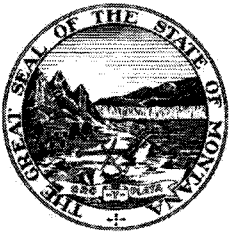
BILL NUMBER HJ 13

DATE 2/24/21

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR		✓	
REP. CARLSON	✓		
REP. STROMSWOLD	✓		
REP. BERGLEE	✓		✓
REP. PHALEN		✓	
REP. FLEMING	✓		
REP. STAFMAN		✓	
REP. LENZ	✓		✓
REP. GILLETTE		✓	✓
REP. LER		✓	✓
REP. TENENBAUM		✓	
REP. BISHOP		✓	
REP. J. HINKLE		✓	
REP. HAWK		✓	
REP. SKEES		✓	
REP. FARRIS-OLSEN		✓	
REP. FRANCE		✓	✓
REP. USHER, CHAIR		✓	

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

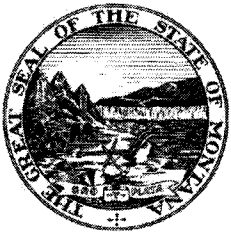
BILL NUMBER HB 581

DATE _____

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR		✓	
REP. KELKER, VICE CHAIR	✓		
REP. CARLSON		✓	
REP. STROMSWOLD		✓	✓
REP. BERGLEE		✓	✓
REP. PHALEN		✓	
REP. FLEMING		✓	
REP. STAFMAN	✓		
REP. LENZ		✓	✓
REP. GILLETTE		✓	✓
REP. LER		✓	✓
REP. TENENBAUM	✓		✓
REP. BISHOP	✓		
REP. J. HINKLE		✓	
REP. HAWK	✓		
REP. SKEES		✓	✓
REP. FARRIS-OLSEN	✓		
REP. FRANCE	✓		✓
REP. USHER, CHAIR		✓	

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

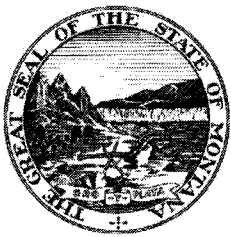
BILL NUMBER HB 552

DATE 2/24/21

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR		✓	
REP. KELKER, VICE CHAIR	✓		
REP. CARLSON		✓	
REP. STROMSWOLD		✓	
REP. BERGLEE		✓	✓
REP. PHALEN		✓	✓
REP. FLEMING		✓	
REP. STAFMAN	✓		
REP. LENZ		✓	✓
REP. GILLETTE		✓	✓
REP. LER		✓	✓
REP. TENENBAUM	✓		✓
REP. BISHOP	✓		
REP. J. HINKLE		✓	
REP. HAWK	✓		
REP. SKEES		✓	✓
REP. FARRIS-OLSEN	✓		✓
REP. FRANCE	✓		✓
REP. USHER, CHAIR		✓	

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

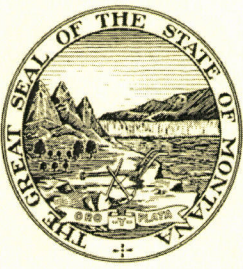
BILL NUMBER HB 333

DATE 2/24/21

MOTION Do Pass as Amended

NAME	AYE	NO	PROXY
REP. AMY REGIER, VICE CHAIR	✓		
REP. KELKER, VICE CHAIR	✓		
REP. CARLSON		✓	
REP. STROMSWOLD		✓	
REP. BERGLEE		✓	✓
REP. PHALEN	✓		✓
REP. FLEMING	✓		
REP. STAFMAN	✓		✓
REP. LENZ	✓		✓
REP. GILLETTE	✓		✓
REP. LER		✓	✓
REP. TENENBAUM	✓		✓
REP. BISHOP	✓		
REP. J. HINKLE		✓	
REP. HAWK	✓		
REP. SKEES	✓		✓
REP. FARRIS-OLSEN	✓		
REP. FRANCE	✓		✓
REP. USHER, CHAIR	✓		

19 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

BILL	MOTION (Include AMENDMENT #)	AYE	NO
HB 553	Do Pass	✓	
HB 258	Remove from Table	✓	
HB 258	Reconsider HB 258.1.1 and HB 258.1.3	✓	
HB 258	Be Amended HB 258.1.4		✓
HB 258	Be Amended HB 258.1.5		✓
HB 258	Do Pass As Amended		✓
HB 557	Do Pass		✓
HB 552	Do Pass	✓	

BILL	MOTION (Include AMENDMENT #)	AYE	NO

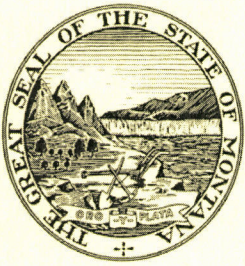
I authorize my vote to be matched with that of Rep. Kathy Kelker
for any amendments proposed on this date.

Rep. Signed via email
(Signature)

Rep. Farris-Olsen
(Print Name)

2/24/21
(Meeting Date)

Rep. Farris-Olsen



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

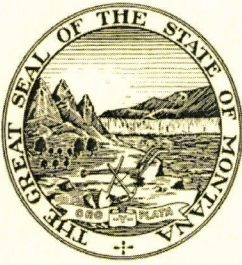
BILL	MOTION (Include AMENDMENT #)	AYE	NO
HB 91	Do Pass amendment HB91.1.1	✓	
HB 91	Do Pass as Amended	✓	
HB 333	Do Pass as Amended	✓	

BILL	MOTION (Include AMENDMENT #)	AYE	NO

I authorize my vote to be matched with that of Rep. Kathy Kelker
for any amendments proposed on this date.

Rep. [Signature] Rep. Stafman 2/24/21
(Signature) (Print Name) (Meeting Date)

Rep. Stafman



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

BILL	MOTION (Include AMENDMENT #)	AYE	NO
HB 581	Do Pass	✓	
HB 557	Do Pass		✓
HB 552	Do Pass	✓	
HB 91	Do Pass amendment HB 91.1.1	✓	
HB 91	Do Pass as Amended	✓	
HB 333	Do Pass as Amended	✓	

BILL	MOTION (Include AMENDMENT #)	AYE	NO

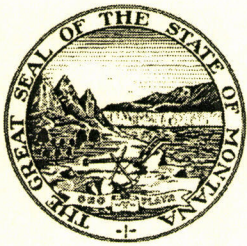
I authorize my vote to be matched with that of Rep. _____
for any amendments proposed on this date.

Rep. [Signature]
(Signature)

Danny Tenenbaum
(Print Name)

2/24/21
(Meeting Date)

Rep. Tenenbaum



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Reger.

BILL	AYE	NO
HB 584 Do Pass	✓	
HB 578 Do Pass	✓	
HB 559 Do Pass	✓	
HB 480 Do Pass	✓	
HB 391 Do Pass	✓	
HB 5 HB 581 Do Pass		✓
HB 557 DO PASS		✓
HB 552 Do Pass		✓
Amendment HB 91.1.1	✓	
HB 333 Do Pass	✓	
HB 91 Do Pass as Amended	✓	

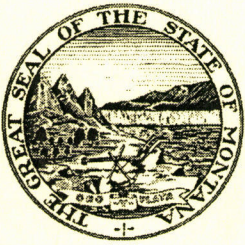
BILL	AYE	NO

I authorize my vote to be matched with that of Rep. A. Reger
for any amendments proposed on this date.

Rep. [Signature]
(Signature)

Date 24 Feb '21

Rep. Skees



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Speer.

BILL	AYE	NO
HB 584 Do Pass	✓	
HB 578 Do Pass	✓	
HB 555 Do Pass	✓	
HB 557 Do Pass		✓
HB 552 Do Pass		✓
Amendment HB 91.1.1	✓	
HB 91 Do Pass	✓	
HB 777 Do Pass	✓	

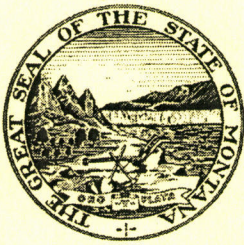
BILL	AYE	NO

I authorize my vote to be matched with that of Rep. A. Regier
for any amendments proposed on this date.

Rep. Bob Phalen
(Signature)

Date 24 Feb 21

Rep. Phalen



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

BILL	AYE	NO
HB 584 Do Pass	✓	
HB 578 Do Pass	✓	
HB 559 Do Pass	✓	
HB 480 Do Pass	✓	
HB 391 Do Pass	✓	
HB 555 Do Pass	✓	
HJ 13 Do Pass	✓	
HB 581 Do Pass		✓
HB 557 Do Pass		✓
HB 552 Do Pass		✓
Amendment HB 91.1.1	✓	

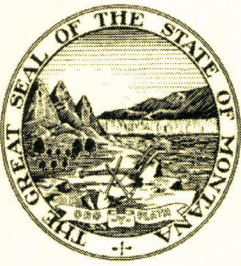
BILL	AYE	NO
HB 333 Do Pass	✓	
HB 91 Do Pass as Amended	✓	

I authorize my vote to be matched with that of Rep. A. Regier
for any amendments proposed on this date.

Rep. [Signature]
(Signature)

Date 24 Feb '21

Rep. Lenz



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

PLEASE USE PEN

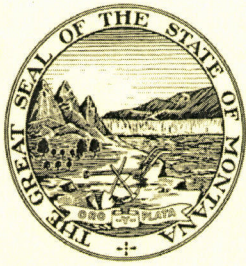
BILL	MOTION (Include AMENDMENT #)	AYE	NO
HB384	Do Pass	✓	
HB578	Do Pass	✓	
HB391	Do Pass	✓	
HB555	Do Pass	✓	
HJ17	Do Pass		✓
HB581	Do Pass		✓
HB557	Do Pass		✓
HB552	Do Pass		✓
HB91	Amendment HB91.1.1 ^{DO} PASS	✓	
HB777	Do Pass as Amended	✓	
HB91	Do Pass as Amended	✓	

BILL	MOTION (Include AMENDMENT #)	AYE	NO

I authorize my vote to be matched with that of Rep. A. Regier
for any amendments proposed on this date.

Rep. [Signature] J. Gillette 2/24/21
(Signature) (Print Name) (Meeting Date)

Rep. Gillette



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

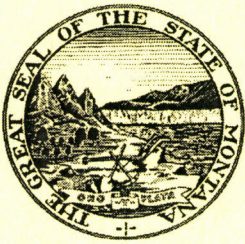
BILL	MOTION (Include AMENDMENT #)	AYE	NO
HB 258	Be Amended HB 258.1.4		✓
HB 555	Do Pass	✓	
HJ 13	Do Pass		✓
HB 581	Do Pass	✓	
HB 557	Do Pass		✓
HB 552	Do Pass	✓	
HB 91	Do Pass Amendment #891.1.1	✓	
HB 91	Do Pass as Amended	✓	
HB 333	Do Pass as Amended	✓	

BILL	MOTION (Include AMENDMENT #)	AYE	NO

I authorize my vote to be matched with that of Rep. Kathy Kelker
for any amendments proposed on this date.

Rep. [Signature] Rep. France 2/24/21
(Signature) (Print Name) (Meeting Date)

Rep. France



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Regier.

BILL	AYE	NO
HB 584 Do Pass	✓	
HB 578 Do Pass	✓	
HB 559 Do Pass	✓	
HB 555 Do Pass	✓	
HT 17 Do Pass		✓
HB 581 Do Pass		✓
HB 557 Do Pass		✓
HB 552 Do Pass		✓
HB 91 Amendment HB 91.1.1	✓	
HB 333 Do Pass as Amended		✓
HB 91 Do Pass as Amended	✓	

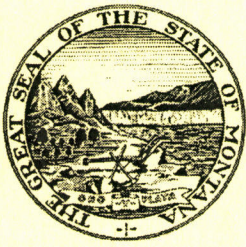
BILL	AYE	NO

I authorize my vote to be matched with that of Rep. A. Regier
for any amendments proposed on this date.

Rep. Bruner Ler
(Signature)

Date 24 Feb '21

Rep. Ler



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

BILL	AYE	NO
HT 17 Do Pass	✓	
HB 581 Do Pass		✓
HB 557 Do Pass		✓
HB 552 Do Pass		✓
Amendment HB 91.1.1	✓	
HB 91 Do Pass	✓	
HB 333 Do Pass		✓
HB 555 Do Pass	✓	

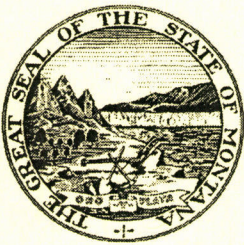
BILL	AYE	NO

I authorize my vote to be matched with that of Rep. A. Regier
for any amendments proposed on this date.

Rep. [Signature]
(Signature)

Date 2/24/21

Rep. Berglee



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

BILL	AYE	NO
HB 555 Do Pass	✓	

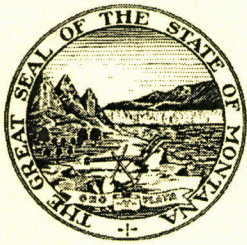
BILL	AYE	NO

I authorize my vote to be matched with that of Rep. A. Regier
for any amendments proposed on this date.

Rep. Jennifer Carlson
(Signature)

Date 2/24/21

Rep. Carlson



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Amy Regier.

BILL	AYE	NO
HP 581 Do Pass		✓

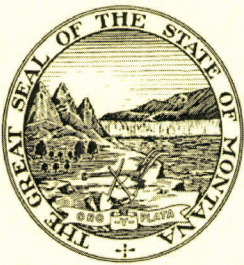
BILL	AYE	NO

I authorize my vote to be matched with that of Rep. A. Regier
for any amendments proposed on this date.

Rep. Mallene Stromswold
(Signature)

Date 2/24/21

Rep. Stromswold



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

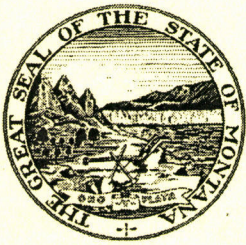
BILL	MOTION (Include AMENDMENT #)	AYE	NO
HB 555	Do Pass	✓	

BILL	MOTION (Include AMENDMENT #)	AYE	NO

I authorize my vote to be matched with that of Rep. Kathy Kelker
for any amendments proposed on this date.

Rep. Donavan Hawk 2/24/21
(Signature) (Print Name) (Meeting Date)

Rep. Hawk



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

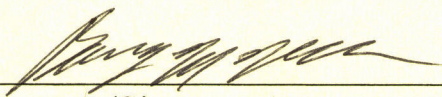
I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

BILL	AYE	NO
HB 584 Do Pass	✓	
HB 578 Do Pass	✓	
HB 584 Do Pass	✓	

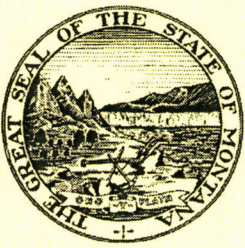
BILL	AYE	NO

I authorize my vote to be matched with that of Rep. A. Regier
for any amendments proposed on this date.

Rep. 
(Signature)

Date 24 Feb '21

Chair Usher



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

BILL	AYE	NO
HB 559 Do Pass	✓	
HB 400 Do Pass	✓	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. A. Regier
for any amendments proposed on this date.

Rep. Jedediah Smith
(Signature)

Date 2/24/21

Rep. Hinkle



2021 Legislative Session

WITNESS STATEMENTS

**The following is an assortment of
documents that are witness
statements.**

**“A witness statement is a signed document
recording the evidence of a witness. A
definition “a written statement signed by a
person which contains the evidence which that
person would be allowed to give orally.”**

WITNESS STATEMENT

Hi, my name is Carmelita Dominguez, and I am here on behalf of Moms Demand Action for Gun Sense in America to advocate for the passing of HB 581 which requires secure storage of firearms and provides violations and penalties for that do not provide secure gun storage.

This is a good idea that can be supported by the majority of people in Montana. I have lived in Montana for 13 years, and if there is anything that has been made very clear to me is that Montana fiercely loves its natural landscapes, its independence, and its people. Hunting and self-reliance is integral to the fabric of our culture. Therefore, firearms have a place in a Montana home.

That being said, along with a love of firearms, is a fierce pride and love for family and safety. Secure gun storage is absolutely essential for a home for many reasons - not only to protect the guns, but the home and family as well. We know that over half the households do not lock up all their firearms. This can lead to access that results in accidents and suicides. While many will say, "my kids know not to play with guns." How many can say that their kids' friends know the difference? How many can say that their depressed teen will never think about the family's unlocked guns. Here are some simple facts.

- Montana's firearm suicide rate is more than twice the national average. Twice. 79% of firearms deaths among children and teens are firearm suicides.
- Access to a gun can mean the difference between life and death. 90 percent of suicide attempts with a gun are fatal, versus 4 percent not involved with a gun.
- Research suggests that secure storage laws can help reduce firearm suicide and other forms of gun violence, particularly among youth:
 - One study estimated that if half of households with children that contain at least one unlocked gun switched to locking all their guns, one-third of youth gun suicides and unintentional deaths could be prevented, saving an estimated 251 lives in a single year.

Gun safety means lives saved.



montana
HUMAN RIGHTS NETWORK

February 23, 2021

Dear Chairman Usher and Members of the House Judiciary Committee:

The Montana Human Rights Network opposes HB 560 on behalf of our 8,000 members and supporters across the state. We believe the bill is based on a misguided view of the U.S. Constitution and will have negative impacts on Montana communities.

While HB 560 references the Second Amendment and U.S. Constitution, the spirit of the bill better reflects when the country was under the Articles of Confederation. The bill makes it appear that states can individually decide which federal laws they will, and will not, enforce. States had more ability to operate like this under the Articles; however, the U.S. Constitution makes it clear that states must adhere to federal law. Article VI of the U.S. Constitution, which is commonly called the "Supremacy Clause," clearly states that the laws of the United States "shall be the supreme Law of the Land." HB 560 clearly violates this provision.

We also oppose the bill because of our 30 years as an organization tracking and working to prevent violence by anti-government militias and other such groups. When these groups are looking to setup shop or start mobilizing, a major consideration for them is how lenient gun laws are in a location. Passage of HB 560 won't just result in lengthy and costly court battles for the state. It will also function as a welcome mat for anti-government groups. The state already has very lax gun laws, and now the state would be on record saying that it won't enforce federal law. That is an enticing invitation to militias and other such groups.

We encourage you to stand for the U.S. Constitution, the rule of law, and the safety of our communities by voting NO on HB 560.

Travis McAdam
Program Director:
Combating White Nationalism & Defending Democracy
Montana Human Rights Network
(406) 442-5506 ext. 11
travis@mhrn.org

WITNESS STATEMENT

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 2:48 PM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-560: Establish the Montana second amendment preservation act 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 14:47

Details:

Bill: HB-560: Establish the Montana second amendment preservation act 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Larry D Rattray

Email: rattpak@centurytel.net

Phone: (406) 849-5610

City, State: Proctor

Written Statement: Please support HB 560. In this world of unmatched executive orders it is important that Montana not spend it's resources in the federal government's attempt to disarm the people of this country. Thank you for your time and consideration.

Files:

Testify via Zoom: No

Zoom Method: N/A

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 4:17 PM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-552: Establish Montana racial justice act 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 16:17

Details:

Bill: HB-552: Establish Montana racial justice act 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana Human Rights Network

Name: Travis McAdam

Email: travis@mhrn.org

Phone: (406) 442-5506

City, State: Helena, MT

Written Statement: The Montana Human Rights Network supports House Bill 552 on behalf of our 8,000 members and supporters across the state. People currently have the ability to take action if they face discrimination based on race or ethnicity when it comes to employment, housing, education, and public accommodations to name a few. These protections come from the recognition that racism does still exist in our communities, and we want to try and get rid of it. HB 552 extends this notion to the courts. We support the bill's effort to create a process by which people can challenge convictions and sentences if they feel such rulings were based on race, ethnicity, or national origin. Please vote YES on HB 552.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 3:44 PM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-552: Establish Montana racial justice act 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 15:43

Details:

Bill: HB-552: Establish Montana racial justice act 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Indian People's Action

Name: Lita J Pepion

Email: LitaPepion@hotmail.com

Phone: (406) 208-5779

City, State: Billings

Written Statement: We experience racism in every aspect of Justice in Montana - our children, culture and means of survival are criminalized and it gets worse from there. Court, District Attorneys and Judges are all white. Most have college experience but haven't learned anything about Native American history, trauma or survival and it shows in every aspect of how they speak to us, how their bias affects our outcome, how their fines and punishment hurt us, etc. After 11 years of living it via Personal Experience, THIS BILL IS NECESSARY!

Files:

Testify via Zoom: Yes

Zoom Method: Phone

WITNESS STATEMENT

Hello Mr. Chair & Representatives,

I'd just like to concur with all the other proponents, but also that we have a lot of data and statistics that indicate possible racism in our justice system, some of which was mentioned in the meeting today.

But, I wanted to also talk about my personal experience and how my teenage son went from having a Careless Driving charge to being on the Violent Offenders List all in a matter of a couple of months - and without being dangerous.

That happened 11 years ago and we are still paying with our lives, time, my retirement account (for "bond" that we never get back even when we show up to court).

We read the paper and almost every day see a charge of a white person committing a similar or worse crime who got a lot less time.

We also work with folks coming out of the system and hear stories of racist judgements often. I'm sending this now because you're voting soon - PLEASE VOTE YES ON HB-552.

They are criminalizing our children, taking our retirement to pay for it, and basically destroying our families. Justice has become the New Indian Boarding School and it's NOT acceptable.

Lita J. Pepion, Senior Organizer
Indian People's Action

Indian People's Action



To: Montana House Judiciary Committee

From: Moana Vercoe, MBA, PhD

Date: February 24 2021

RE: HB 552

Indian People's Action Response to the Montana Racial Justice Bill

The Need for this Bill – Racism in the Justice System

Indian People's Action has a long history of seeking equity, transparency and accountability in the Montana Justice system. In 2014, IPA was a plaintiff in a lawsuit seeking to expose systemic racism in the Montana judiciary.¹

May 3, 2013, Montana Chief U.S. District Judge, Richard Cebull retired after a nine month investigation for ethics code violations related to racist emails sent from his official email account. (Judge Cebull's email is an example of animal language and racism as it suggested that Obama was the product of bestiality where one of the parties was a dog.)² The Ninth Circuit's Judicial Council investigation into four years of emails found:

"A significant number of emails were race related. Whether cast as jokes or serious commentary, the emails showed disdain and disrespect for African Americans, Native Americans and Hispanics, especially those who are not in the United States legally. A similarly significant number of emails related to religion and showed disdain for certain faiths. Approximately the same number of emails concerned women and/or sexual topics and were disparaging of women. A few emails contained inappropriate jokes relating to sexual orientation."³

The 9th Circuit declared the results of this investigation moot when Cebull retired. In sealing the file of the investigation, the 9th Circuit shut down any possible investigation into how far the emails had gone and the possibility of systemic racism within the Montana judicial system.⁴

At the time that Judge Cebull's email became public, he was presiding over *Wandering Medicine v McCulloch*, a Voting Rights Act case seeking equal access to voting for Native Americans living on reservations. Indian People's Action worked with the plaintiffs in this case. Judge Cebull had dismissed *Wandering Medicine v. McCulloch*, but his verdict was overturned by the 9th Circuit. Indian People's Action and Native voting rights group, 4 Directions, sued the Committee on Judicial Conduct and Disability of the Judicial Conference of the United States and the Office of Ninth Circuit Executive to unseal Judge Cebull's file and release his emails. This lawsuit and another filed by journalists John Adams and Shane Castle of Montana Free Press⁵ were dismissed on the basis that Judge Cebull could do no further harm.

¹ Case number 4:14-cv-03022.

² <https://www.usatoday.com/story/news/nation/2014/01/17/judge-montana-cebull-racist-obama/4592315/>

³ <https://montanafreepress.org/2017/12/18/kozinski-cebull-misconduct/>

⁴ <https://www.law360.com/articles/441292/order-over-judge-s-racist-obama-email-is-moot-9th-circ-says>

⁵ Case number 4:15-cv-01046

Justice Alex Kozinski of the U.S. Court of Appeals for the 9th Circuit who ordered Judge Cebull's case be sealed resigned after claims of sexual misconduct in 2017.⁶

Not only does the existing system tolerate racially incendiary and racially coded language, but it actively protects it.

Persisting Racism in the Law Enforcement

Attitudes that certain communities and/or races are predisposed to criminality and need additional policing are prevalent in some of Montana's largest police departments. In a January 2021 interview about the shooting of a Native man, Billings Police Department Lt. Brandon Wolley of the Office of Professional Standards commented: "When we get to the bottom of this conversation, the Native American culture doesn't need less policing. They truly need more policing."⁷ In a July 2020 KTVQ report on racial profiling in Billings Trend in Billings, Lt. Wolley stated: "We are not consistently using excessive force in any group or category. We police ourselves, and we have policies and practices, set up to continually improve upon a professional organization."⁸ However, the KTVQ reports that BPD's own number show that in 2019, 27% of the 131 reported use of force by BPD officers involved Native Americans and 5% involved an African American. According to the US Census Bureau, Native Americans make up 4.5% of the Billings population and African Americans make up 0.83%.⁹ BPD numbers on race are most likely underestimated because "Race/Ethnicity is based on observation by officers, not on self-reporting."¹⁰

The Law and its Implementation

Montana has a law prohibiting racial profiling,¹¹ but this law is limited to traffic stops. Section 3b of this law requires "periodic reviews by the law enforcement agency and collection of data that determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws." Section 9 states: "The department of justice shall make available to the public information regarding the degree of compliance by municipal, county, consolidated local government, and state law enforcement agencies with the requirements of this section." However, I cannot find where this information is released.

Systems for implementing and evaluating any law related to justice and race necessary as is the political will for enforcing the law.

Some Numbers

In Billings, Native Americans make up about 5% (1 in 5) of the population, but 26% (1 in 4) of the people charged by Billings Police Department, and 36% of the charges brought are brought against Native Americans (1 in 3)¹² – see graph below. These numbers are from the BPD 2018 Annual Report.

⁶ <https://montanafreepress.org/2017/12/18/kozinski-cebull-misconduct/>

⁷ <https://www.wyomingpublicmedia.org/post/montana-family-speaks-out-about-police-violence-against-indigenous-people?fbclid=IwAR09wU2Px-uLPMeugl3t1ClGaHTpMEYcUtv1KON-gzrS0dnn1k8ZJRUGvFA#stream/0>

⁸ <https://www.ktvq.com/mtn-investigates/is-racial-profiling-a-problem-with-billings-police>

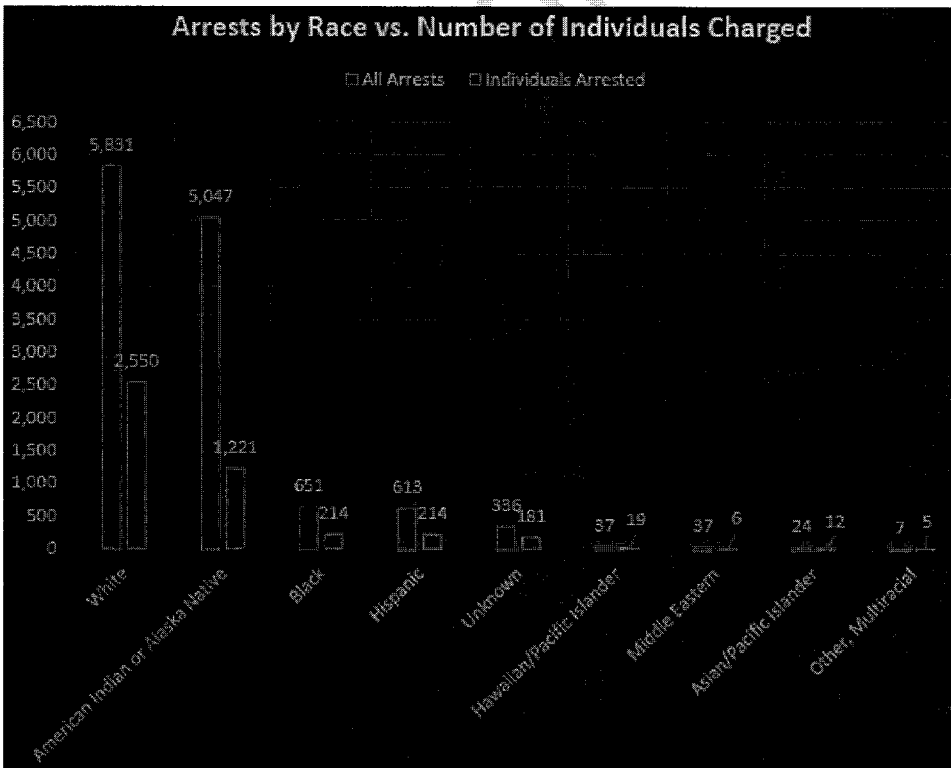
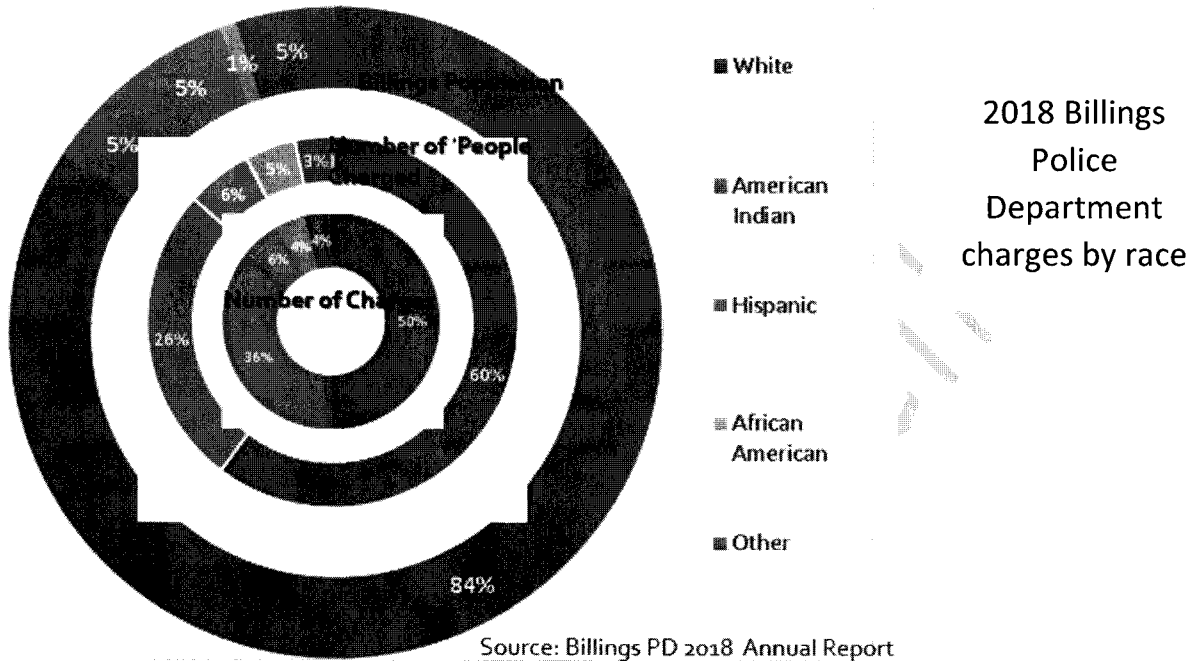
⁹ <http://www.usa.com/billings-mt-population-and-races.htm#PopulationbyRaces>

¹⁰ *Billings Police Department 2019 Annual Report*, p. 36.

¹¹ Mont. Code Ann. § 44-2-117

¹² *Billings Police Department 2018 Annual Report*.

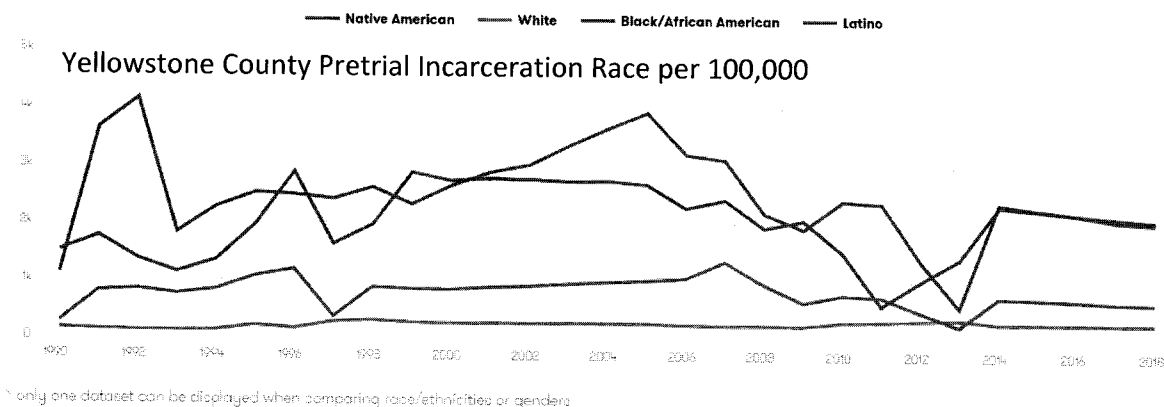
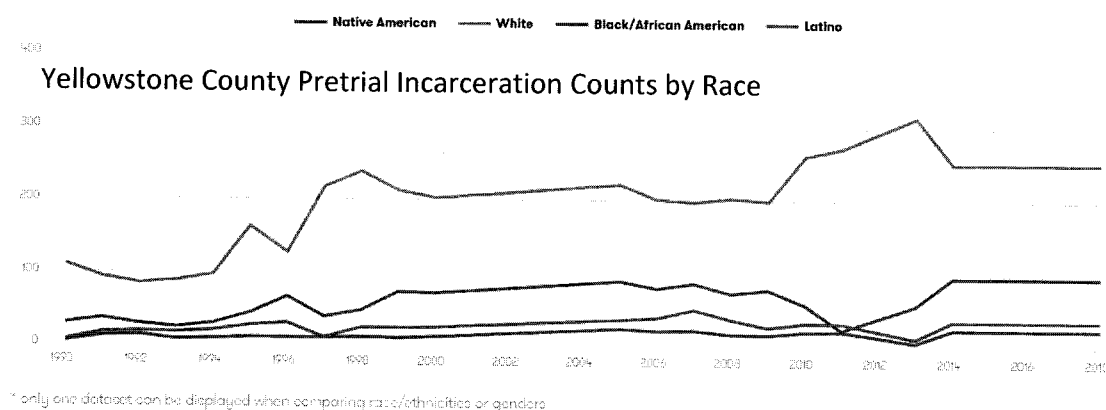
Equivalent numbers for charges are not available in the 2019 Annual Report. Instead the 2019 Annual Report shows arrests with Native Americans accounting for 30% of all people arrested and 40% of all arrests. On average, a Native American who was arrested by BPD in 2019, was arrested 4 times. By comparison, there were 2.6 arrests for each white person arrested.



Source: BPD 2019 Annual Report, p. 35.

Assess racial profiling and racial discrimination in law enforcement and the criminal justice system is challenging because of inconsistencies in how information on race is collected and reported. BPD uses officer assessments on race and reported date on charges in 2018 and arrests in 2019. IPA has monitored the biennial report of the Montana Department of Corrections for trends in the over-incarceration of Native Americans, but each report contains less information on race.

There is a pipeline from police encounter to decisions about charging to bail and pretrial incarceration, to trial and conviction and then the revolving door of probation and parole violations that disproportionately places and keeps Native Americans and other minorities in Montana jails and prisons.



Source: Vera Institute of Justice¹³

Yellowstone County has some of the nation's highest levels of pretrial incarceration. In 2018, 24% of those awaiting trial in Yellowstone County Jail were Native American. Economics and race intersect in pretrial incarceration as shown when the numbers for race are expressed per 100,000. Pretrial incarceration has devastating impact on minority families. A November 2015 report by Judge Ingrid Gustafson, District Court judge for the 13th Judicial District Court demonstrates how people who spent

¹³ <https://trends.vera.org/rates/yellowstone-county-mt>

as little as two days in pretrial incarceration were four times as likely to receive a custodial sentence as those who were released within 24 hours of arrest.¹⁴

According to the Department of Correction 2017 Biennial Report, approximately one third of all offenders released after serving custodial sentences will be incarcerated within three years.¹⁵ Of these, only 5% of men and 2% of women who are incarcerated for committing new crimes. The vast majority are re-incarcerated for probation and parole violations.

A Couple of Stories from 2019

Three Native American boys (16, 12 and 8) were playing in the trailer park in Billings where they lived. Two older Caucasian boys (aged over 15 years old) started a fight by picking on the younger Native boy. When BPD were called the handcuffed all of the Native American children and put them in the back of the police cruiser. No actions were taken by BPD against the Caucasian boys.

An African American man and his Native American wife were in their RV eating in the parking lot of a fast food outlet. A security guard approached the RV and started a conversation from outside the driver's side window. The security guard pulled a gun and held it as if aiming it at the head of the African American man. No charges were brought against the security guard.

A sixteen year old Native American girl was at a friend's house when a boy from her school burst in uninvited, found the room the girl was in, and shot her. After a short investigation, the Billings Police Department declined to press charges.

Conclusion

HB 552 is an important step towards creating equity and accountability in the Montana justice system. This bill will enhance public safety in our communities for all people in Montana.

¹⁴ <https://leg.mt.gov/content/Committees/Interim/2015-2016/Sentencing/Meetings/Nov-2015/Exhibits/gustafson-drug-courts-101-cos-nov-2015.pdf>

¹⁵ Montana Department of Corrections 2017 Biennial Report.

Written Testimony in Opposition to **HJ-13**

Before the House Judiciary Committee

February 24, 2021

by

Edward W. Regan, Chairman

Broadwater County Republican Central Committee

RE: HJ 13; Montana's Application for a Convention of States under Article V of the Constitution of the United States; Sponsored by Representative Neil Duram.

Chairman Usher, members of the Committee, for the record my name is Ed Regan, I live and work in Townsend Montana. I am a lifelong republican and Chairman of the Broadwater County Republican Central Committee. Today I testify for our central committee and myself.

We oppose passage of **HJ 13**, Montana's Application to convene a Convention of States under Article V of the United States Constitution for proposing a **Balanced Budget** amendment. This Committee should consider the risk to the United States constitution by convening a Conference of States under Article V.

Requesting an Article V **Conference of States** is no different from calling a constitutional Convention. This is a dangerous and untested process for amending the constitution. A Conference of States might easily turn into a runaway convention that would threaten the basic structure and underpinnings of our Republic. The language in Article V makes no distinction between a convention and conference.

If restraining federal spending is the purpose for a **COS**, we believe that goal can be accomplished, without new amendments, by having the three branches simply adhere to their enumerated powers already enshrined in the constitution. New amendments are meaningless to a government that does not obey the current constitution. However, if you are convinced that amendments are the only option, than at least use the process by which the existing 27 amendments have passed, not the Convention Alternative.

An easier, far safer and more expedient alternative to curbing federal spending and overreach is for the state legislators to exercise their power under **Article VI** to protect constituents by refusing to enforce unconstitutional federal laws. Montana has already exercised this power. Our long fight against Real ID, Attorney General's litigation against federal usurpations and changes to Marijuana laws are some examples of States refusing to enforce unconstitutional laws. In the 19th century, several northern states refused to enforce a federal law called the "Fugitive Slave Act". In 1799, Thomas Jefferson called nullification the **"rightful remedy"** for any unconstitutional acts of the federal government. Nullification is a legal tool to enforce and protect the constitution, without opening it up and changing it. The federal government may squawk and try to withhold federal dollars to states not enforcing unconstitutional federal law,

however when the Trump administration tried to withhold money from California it was overturned in the courts.

HJ 13 attempts to place restrictions on delegates to any future convention by limiting the scope of the Article V Conference of States (constitutional convention) once it is seated. However, reading the Article V language it becomes obvious that the authority of the states is limited to only making the initial application. Once that step is completed, the power to set the rules for calling the convention and even delegate selection methods shifts to the Congress of the United States. The states will have very little say.

At the 1787 convention, delegates came to town with rules from their home states; however, in the end nine of the thirteen state delegations violated their commissions (Federalist 40-Jefferson). Personally, I do not believe the special interests in America today are going to allow a limited convention. Once assembled the convention becomes a sovereign body able to govern itself. Over the past two centuries, some of America's most astute legal minds have been warning us of this fact:

Former Chief Justice Warren Burger stated: "There is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or to one issue, but there is no way to assure that a Convention would obey".

In a 1/16/90 letter to Utah State Representative, Reese Hunter, Former US Federal Court Judge, Solicitor General and Supreme Court Nominee, **Robert Bork, stated:** "It is my view that a Federal Constitutional Convention could not be limited to a single issue. The original Philadelphia Convention went well beyond the purposes for which it was called and nobody has suggested the constitution is a nullity for that reason. Accordingly, I do not see how a Convention could be limited to one topic once it has been called". Judge Bork noted that our original constitutional convention was a "runaway" in a sense that the delegates exceeded their instructions from the Confederate Congress.

In April 2014, Marvin Kalb asked **Justice Antonin Scalia**, on a program produced by the national Press Club, "If you could amend the Constitution in one way, what would it be?" Scalia answered, "I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that." Again, on May 8, 2015 at the Federalist Society in Morristown, New Jersey, Scalia was asked whether a constitutional convention would be in the nation's best interest, to which the greatest modern day Supreme Court justice replied "A constitutional convention is a horrible idea. This is not a good century to write a constitution."

While our nation was blessed to have men the caliber and character of Washington, Madison and Franklin back in 1787, does anybody in this body trust putting the fate of our constitution, **including the Electoral College**, in the hands of today's politicians and special interests? There is another attack on the constitution percolating among progressives called the National Popular Vote Interstate Compact (NPVIC), which seeks to turn the Electoral College into a

rubber stamp for the popular vote. **Certainly, these people would want their delegates seated at the Convention of States.**

James Madison, father of the constitution, warned in 1788 that a second convention 'would no doubt contain individuals with insidious views seeking to alter the very foundation and fabric of the constitution'. (Letter to G.I. Tuberville 11/2/1788)

Harvard Professor **Lawrence Lessig** is a national leader on the left promoting an Article V Constitutional Convention. After the 2016 presidential election, Lessig made headlines by offering free legal services to any Elector who would switch his vote in the Electoral College from Trump to Clinton. In 2013 he founded a non-profit group named "Call the Convention". One of that group's objectives is to convene a convention for the purpose of abolishing the Electoral College and replacing it with the national popular vote. In 2014, Lessig shared a stage with **Mark Meckler, the current spokesman for the Conference of States**, at a Seattle conference (Citizens University's Annual Conference) promoting the Article V convention, though for very different reasons. Lessig has been extremely open in his support of conservatives who want a Constitutional Convention (or as some prefer to call it a Convention of States) because Lessig's goal is to get the convention called, not help conservatives pass conservative amendments. Unfortunately, many good conservatives do not understand how they may be unwittingly helping to advance a progressive agenda.

Since 1988 seventeen state legislatures, including **Montana** had become so thoroughly convinced of the dangers posed by an Article V Convention that they passed **Resolutions to rescind all previous applications for conventions still on their books.**

Although the proponents of HJ 13 believe their goals can be attained under Article V, I ask you to consider the following questions; do we have a constitutional problem? or do we have a problem adhering to the constitution? Final question is the Conference of States really a Trojan horse designed to upend our constitutional protections and the Bill of Rights?

Our nation is too divided to pull off a successful Article V convention. **HJ 13** would expose the constitution to the possibility of a complete re-write. It is not worth the risk.

We urge this Committee to vote against HJ 13 and avoid the uncharted waters of a con-con. In closing we ask that the republican members of the committee refer back to the National Affairs plank from our Party's 2016 Platform on page 10; and I quote, "We adamantly oppose any attempts, whether direct or indirect, to undermine the Constitution of the United States and its Amendments, including the Bill of Rights".

Thank you for your consideration and please vote against HJ 13.

Edward W. Regan, Chairman
Broadwater County Republican Central Committee

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 10:30 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 10:29
Attachments: DEBUNKING THE JBS TALKING POINTSrevised.pdf; leftwing email to montana legislators.pdf

Details:

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary
Position: Proponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Tracy Schuster
Email: imhappyru@hotmail.com
Phone: (406) 230-2710
City, State: Glentana, Montana
Written Statement: Testimony provided by Tracy Schuster

Our Framers created a decentralized government structure.
Yet since the 1930s, the national government has continuously taken unconstitutional actions to regulate the economy and society and to redistribute our resources.

As imagined, this amassed centralization of authority in DC has taken its toll on the freedoms of We the People. While their social engineering efforts in the educational system resulted in some level of support for centralization, citizens are undeniably seeing and feeling the effects of those socialist policies; consequently, public opinion has changed and there is a growing call for the restoration of the Constitution's principle of federalism aka, decentralization. This shift is consistent with other data which exposes a deep and growing distrust in the federal government to act on behalf of the public good or in protecting our nation's sovereignty.

The National Debt is absolute proof that the federal government's policies regulating the economy and society and redistributing our resources has failed miserably.
Other than DC politicians and their friends, who has benefitted from the trillions stolen from future generations?

We are sitting at \$28 trillion in debt, so I must ask:

- Why hasn't the war on inequality succeeded?
- Why are our resources still being redistributed—
- Why are American's resources going to other countries?

Why are our borders open when:

- Millions of American jobs are being out-sourced, exacerbating inequality within our borders?
- Americans taxes are increased to cover the living expenses of legal and illegal immigrants?

Why is it that other Countries are not held accountable for the conditions which motivate their citizens to leave their homeland in mass exodus?

Land is land—it is not the land that is responsible for oppression and exploitation—it is the policies of their government. There will be no end to mass immigration from 3rd world countries until tyrants from the third world countries condemn failed marxist control and embrace freedom and liberty.

Why is dependence upon government handouts promoted instead of promoting attributes such as:

- Entrepreneurialship,
- Self-reliance,
- Self-responsibility and
- Accountability

which are all qualities proven to enhance mankind.

Why do we continue to be taxed for federal mandated programs which were not only unconstitutional in their force, but have failed in achieving their aspired goals?

Why not trust charitable and compassionate citizens in serving the primary needs of their local community members?

Returning to a more personable giving and receiving would replace the entitlement mentality with a greater sense of gratitude. The entitlement mentality grows from a misconception that the money comes from the federal government—no, that money comes from your hard-working fellow American citizens.

Many citizens believe state and local governments are likely to perform better than the distant policy makers in Washington.

How much more are the American citizens and their posterity going to have to pony up?

Speaking of robbing our posterity, is that not a prime example of taxation without representation? Our posterity cannot and would not approve of this feckless debt.

As you can guess, I am an ardent proponent of the States using their authority in our Constitution's Article V to restrain the federal government's immoral spending.

I am also committed to speak up and contest the disinformation that has been repeatedly used by the opposition to render this most significant provision inert.

The authority for the States to call a convention for proposing amendments is in our Constitution as a means to reassert our rightful place as the true fountain of power in America.

This provision and this authority should not be obstructed, it should be advanced and recognized as the preeminent means of preserving federalism and liberty.

Files: DEBUNKING THE JBS TALKING POINTS revised.pdf leftwing email to montana legislators.pdf Testify via Zoom: Yes
Zoom Method: Computer

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 1:14 PM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 13:13
Attachments: HJ 13 Written Comments - Thomas Millett.pdf

Details:

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Thomas Millett
Email: simplytom65@yahoo.com
Phone: (406) 212-3613
City, State: Marion, MT
Written Statement: Committee Members,

I OPPOSE House Joint resolution 13 (HJ 13) for all the reasons others have opposed it.
However, I want to present you with a possible scenario and ask you a few simple questions.

Let's say you vote for this resolution and Congress does call for a Convention... ..and the Convention did "runaway" ...
...and 2/3rds of the delegates voted to pass new amendments or a new Constitution on to the states for ratification...
...and 3/4ths of the states ratified the new amendments or Constitution... ..and one result of all this was that the Bill of Rights was replaced with a Bill of Privileges.

What are you going to tell your children and grandchildren when they ask you...?
...why they have to attend church in secret instead of the state-sanctioned church on the corner?
...or why they can't watch, read, or listen to anything that hasn't been first "fact-checked" by the National Truth Administration (NTA).
...or why they can't stand on the sidewalk and wave American flags like they did with their friends in 2020?
...or why they can't question the actions of their government...ever?
...and most importantly, why you didn't do anything when government agents came and took Uncle Joe and Aunt Polly to the "re-education" center because they voted for President Trump in 2020 or said something derogatory about the current presidential administration or a certain political party?
Was it because you couldn't defend them when they needed it the most because you didn't have any firearms? And why didn't you have any firearms to protect them? Was it because a Privilege to Keep and Bear Arms wasn't included in the new Bill of Privileges?

If you don't think this can happen I'm sure the Chinese didn't think it could happen to them in 1948.
Are you prepared to answer these questions from your children and grandchildren? I'm not and I hope you're not either.
Please vote NO on HJ 13.

Thank you,
Thomas Millett
Marion, MT

Files: HJ 13 Written Comments - Thomas Millett.pdf Testify via Zoom: Yes Zoom Method: Computer

WITNESS STATEMENT

Committee Members,

I OPPOSE House Joint resolution 13 (HJ 13) for all the reasons others have opposed it.

However, I want to present you with a possible scenario and ask you a few simple questions.

Let's say you vote for this resolution and Congress does call for a Convention...

...and the Convention did "runaway" ...

...and 2/3rds of the delegates voted to pass new amendments or a new Constitution on to the states for ratification...

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...and one result of all this was that the Bill of Rights was replaced with a Bill of Privileges.

What are you going to tell your children and grandchildren when they ask you...?

...why they have to attend church in secret instead of the state-sanctioned church on the corner?

...or why they can't watch, read, or listen to anything that hasn't been first "fact-checked" by the National Truth Administration (NTA).

...or why they can't stand on the sidewalk and wave American flags like they did with their friends in 2020?

...or why they can't question the actions of their government...ever?

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If you don't think this can happen I'm sure the Chinese didn't think it could happen to them in 1948.

Are you prepared to answer these questions from your children and grandchildren? I'm not and I hope you're not either.

Please vote NO on HJ 13.

Thank you,
Thomas Millett
Marion, MT

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 4:53 PM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 16:53

Details:

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Levi McEuen

Email: thegiftranch@gmail.com

Phone: (406) 427-5174

City, State: Broadus

Written Statement: Good Morning. My name is Levi McEuen. I am a resident of Powder River County, HD 41. My Representative is Rynalea Whiteman Pena.

I have come today to express my concerns about the prospect of Montana joining an Article V Convention of States, thereby attempting to amend our U.S. Constitution.

Although I am not an expert on the interpretation of the Constitution, I have studied it extensively, as well as listened to constitutional scholars on such subject matter. As to this matter, some have been for and others against such a convention.

I admit that the prospect of making changes to our Constitution sounds promising, but when one studies the facts and applies logic to the possibilities of what a Convention could lead to -- the outcome for our Constitution -- I fear for myself, my children and my fellow citizens and country.

Now more than ever we need to be guided by the brilliance of our founding fathers when they wrote the constitution. Every proposed amendment that has been suggested is already addressed by the constitution. It needs no amending, but just needs to be followed. And I might add a significant portion of that responsibility lies at the State level. Not at the Federal level as it does now.

During the course of my life I have met with several individuals from a wide ranging background and beliefs from all across the US. Oftentimes we would discuss politics and of course different views would arise. I would challenge them on their understanding of our founding documents such as the Declaration of Independence and our constitution. I found that our society as a whole has a tremendous misunderstanding or NO understanding of our nation's founding and what our founding fathers did for us in giving us this great Republic. Worth noting, many lost their lives and fortunes for us. I challenged my peers to go home and read the documents and learn about the founding fathers and come back to me and let me know if their vote was in support of what our founding fathers stood for. My experience was that more than half, after reviewing what I asked them, reported they would like to change their vote. I fear that we do not know what we are voting for in this case if one votes to support an Article 5 Convention. Just like my fellow peers did not know what they were voting for. They just said, "It sounded good to them."

That said I disagree with the promoters of an Article V Convention of States in at least 3 areas:

1. There are almost no rules for the convention in Article V of the Constitution. You have to ask yourself “who sets the rules for the Convention? This leaves it up to Congress to make up the rules. One example of concern on the rules is how it will be voted on. We already know that the Supreme Court has required “one man, one vote” rule since 1964. Thus one would expect the House to require voting based on population. That makes California having 18 times more votes than Montana. Do the citizens of Montana want that? No. States in this matter should be equal: One State One Vote.
2. Could an Article V convention prohibit changing the ratification process. In the political environment in which we find ourselves with no regard for truth or the sacredness of our fundamental constitutional processes like elections, what might we expect? History tells us that the Constitutional Convention of 1787 did just that.
3. An Article V convention cannot be limited to specific proposed amendments. The text of the Constitution expressly states multiple “Amendments” will be allowed – a plural “s” after “Amendment”. You can be assured that the first thing to go would be our Right to Keep and Bear Arms, next our Freedom of Religion, Freedom of Speech and Assembly; and adding the constitutional right to an abortion.

The solution to our country's problems lies in the fact that our Constitution is not followed. The Constitution clearly states what it is and what it is not. It should not be interpreted by stating “I think.” It should be “The Constitution states....” It is time that States stood up for themselves and defended their rights to ensure that the Constitution is followed. By doing so the many ideas of amendments that are floating around in support of an Article V Convention would naturally be addressed by the original constitution.

I stated at the beginning of this that I tremble at the prospects of our Constitution being changed by a Convention of States. History tells us that James Madison trembled, too. It is time to follow the original intent of the constitution and not vote to make changes to the constitution but to enforce the Constitution as it was written: not how it is misinterpreted.

Thank you for your vote against HJ13 an Article V Convention of States.

In addition, Amel Samuelson-McEuen will be testifying with me on the same computer

Files:

Testify via Zoom: Yes

Zoom Method: Computer

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 11:53 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:52

Details:

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: League of Women Voters Montana

Name: Nancy Leifer

Email: nancyleifer@gmail.com

Phone: (406) 207-9114

City, State: Missoula, Montana

Written Statement: Testimony on HJ 13 , Hearing in House Judiciary Committee Wednesday, February 24 Submitted by Nancy Leifer On behalf of the League of Women Voters Montana

The League of Women Voters was founded in 1920 to help new voters understand their role and responsibility in voting in our democracy. The League is a non-partisan organization. We do not endorse candidates or political parties.

The League uses a process of study, discussion and consensus to arrive at policy positions. In 2016, the LWV conducted a study of Article V Constitutional Conventions, followed by a nation-wide League consensus process for adopting positions. The League is concerned that there are many unresolved questions about the powers and processes of an Article V Constitutional Convention. Until these questions are resolved, the League does not support Article V constitutional conventions.

The League of Women Voters does not support a federal balanced budget. The League believes that federal fiscal policy should provide for adequate and flexible funding of federal government programs. At times like now, when our economy has been devastated by the effects of the Covid 19, the federal government needs the ability to stimulate the economy. A balanced budget amendment would prohibit these efforts to assist small businesses, individual families and those who are out of work, hospitals, state and local governments, and whole industries that would fail without financial support.

The League of Women Voters Montana urges you to oppose HJ 13.

Files:

Testify via Zoom: No

Zoom Method: N/A

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 11:41 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:40

Details:

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Daniel Keder

Email: kederds@hotmail.com

Phone: (406) 231-0305

City, State: Great Falls

Written Statement: My name is Daniel Keder, I am a registered voter and resident of Cascade County, Montana. I am a retired Air Force Officer who served for just over 23 years. Currently I operate a small business with my wife. I have been a legal resident of Montana since 1984 and have resided in Cascade County since 2003.

I am testifying today in opposition to HJ 13, a proposal to apply to the U.S. Congress to call a convention to amend the U.S. Constitution under the provisions of Article V of that document. I am presenting three reasons why HJ 13 should be tabled and killed by this committee.

The U.S. Constitution is not the cause of the fiscal irresponsibility that has resulted in our current unbalanced government budgets, consequently, amending it does not offer a viable solution. Government budgets, at all levels, are unbalanced because of government overreach and usurpation. The general or central government of the U.S. is spending wealth at levels beyond human comprehension because it is doing things it is not authorized to do under the limited powers granted to it by the U.S. Constitution. If the citizens limit government to its actual and proper constitutional limits the justification for funds will be eliminated. If they do not, no amendments to the Constitution will be able to prevent the flood of red ink.

Balancing the budget is not the same thing as reducing it. The unconstitutional size and scope of the central government is driving the unbalanced budget. If the size and scope of the central government is not reduced all a balanced budget amendment will mean, in effect, is increased taxes.

The state of emergency exemption contained in HJ 13, as in all the balanced budget proposals I have seen, renders this entire effort of no effect. If the central government can operate with a budget deficit during a state of emergency then they could have legally done so with this proposed amendment adopted as part of the U.S. Constitution since 1976. According to Wikipedia 34 national states of emergency are still current. The problem here is two-fold. The National Emergencies Act of 1976 is one of those government usurpations that provides Congress and the president with an open ended and flexible loop-hole to avoid any balanced budget amendment that leaves them an exception for a national emergency. In defense of both Congress and the proponents of a balanced budget amendment, there is no realistic way to prohibit government deficit spending during an actual national emergency. It is a classic Cath-22 situation.

In conclusion, HJ 13 is a proposal that totally misses its intended mark. It won't fix the problem of central government deficit spending because it doesn't address the cause and it provides an unavoidable exception. It offers all the risks inherent in opening the U.S. Constitution up for amendment while offering none of the benefits of imposing fiscal responsibility. I urge the members to kill this bill.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 11:18 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:18

Details:

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Clifford Sisko

Email: csisko@outlook.com

Phone: (406) 853-3529

City, State: Miles City

Written Statement: I support HJ13. We have a broken structure and that needs to be addressed. We need to do it because congress won't. We need to do it for our loved ones both now and in the future. This is a fight I don't feel we can afford to loose for their sakes as well as for the sake of the nation. On the outside the structure looks really good but the inside is dirty and full of mold. I constantly hear from folks who say our federal government doesn't work, it is broken but nobody comes up with a solution. The solution is Article V Convention of States and constitutional solutions are stated in the resolution.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 10:59 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 10:58

Details:

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Big Sky Worldview Forum

Name: Richard A Pence

Email: rapence45@gmail.com

Phone: (406) 672-9207

City, State: Billings, Montana

Written Statement: Montana House Judiciary Testimony Dick and Nancy Pence, 4307 Palisades Park Dr., Billings 59106 rapence45@gmail.com I Coordinator, Big Sky Worldview Forum 406-672-9207 In support of HJ13 – Applying for a Convention of States Under Article V.

Why I have changed my mind on a Convention of States The one who states his case first seems right, until another comes to examine him. (Proverbs 18:17 ESV) Over a decade ago, I first learned of the idea of a Convention of States. First from a Constitutional Scholar and later from respected friends in the John Birch Society of which I am a member. The above Proverb is a good warning to us of our human tendency to embrace and hold fast to the first ideology, philosophy or even religion, we are introduced to. Over my lifetime of seventy-five years, this warning has served me well. Because of my functions in worldview training on numbers of issues, I have often had occasion to re-examine a thought process. On average, I believe, I was better off for those reconsiderations.

We usually don't budge easily and I didn't either. But after hearing from many sound thinking people over a period of several years, I have reconsidered the Article V, Convention of States issues. I know you're going to be bombarded with many issues, I will only mention a couple that I feel are compelling.

Article V was placed in the constitution with sound reasoning by the Framers: Among other purposes, it was intended as a vehicle for the states to reign in the Federal government – something that now drastically needs to be done. While the Federal government has grown out of control, states have done nothing to stop this growth. Opponents argue that the process could get hijacked by liberals. Their arguments focus on fear rather than the mechanisms provided to control the process.

Balanced Budget Amendment Restraint: In 2008, when I first considered this issue, America was in debt about \$10T. Some conservatives were even suggesting the debt was not a concern – they are not singing that song now. If the next stimulus bill passes, the debt will be closer to \$30T, much of it from our friends the Chinese Communists. Aside from the fact that we are putting our youth in bondage they will never be able to repay, this debt is near the point where it could destroy our Republic. I believe this threat is an imminent risk.

Opponents, again, point to the risk of losing control of the process, but that risk seems small compared to the risk of economic collapse. They also argue congress would ignore such a restraint. The Left would like to ignore the 1st and 2nd Amendments also, but these amendments have been the bread and butter of our defense for these sacred privileges. I contend that having this as law would add force that could be used by principled men to hold the congress to a balanced budget.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 3:45 PM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-391: Revise and enhance penalties for criminal distribution of dangerous drugs 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 15:44

Details:

Bill: HB-391: Revise and enhance penalties for criminal distribution of dangerous drugs 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana County Attorney's Association

Name: Scott Twito

Email: stwito@co.yellowstone.mt.gov

Phone: (406) 670-2000

City, State: Billings

Written Statement: I support HB 391. There should be enhanced penalties in the State of Montana for an offender who distributes an illegal substance to a person and that substance kills that person.

Files:

Testify via Zoom: Yes

Zoom Method: Computer



February 23, 2021

Testimony in Favor of Right to Repair for Agricultural and Ranch Equipment HB 390

My name is Gay Gordon-Byrne and I am the Executive Director of the Digital Right to Repair Coalition also known as Repair.org. We are a 501 c6 Trade Association founded with the express purpose of supporting repair-friendly legislation, regulations and standards.

Our members fix the things we buy. Some of our members repair in-warranty goods on behalf of manufacturers, others specialize in repairing circuit boards, others in buying and selling used equipment around the world, and others strip old equipment for parts and process the remains. We know how complex electronics are designed, manufactured, repaired and recycled.

Gadgets are complex, but repair is not. Manufacturers have always created diagnostic tools to make diagnosis and repair of their products safe and efficient. Repair has been fully legal since the dawn of the computer age, and should remain so as part of the ordinary rights of owners to control their property. The shape, size, application or cost of equipment is irrelevant -- repair is essential to ownership.

"If you can't fix it -- you don't own it"

HB 390 is not about any specific technology, it is about contracts that undermine the rights of the owner to repair their property. Copyrights, patents and trade secrets are not altered. EPA or other regulations are not altered. This bill stops the use of hidden or non-negotiable contracts to alter the ability of the farmer or rancher to repair their property.

#1. OEMs sell equipment outright, but fail to tell their customers that they will have to agree to a separate software license agreement to activate their purchase, or may be required to buy all future repair services. These terms fall easily into the definitions of Unfair and Deceptive Trade Practices under Section 30-14-111. Farmers and ranchers, even the largest, cannot negotiate contracts as peers with vendors that can literally disable, turn off, or simply slow walk repairs essential to the farmer. Only the legislature can protect Montanans from these repair monopolies.

#2. OEMs use contracts that reference additional agreements that are not disclosed until after the purchase. These contracts are so difficult to dig out that farmers and ranchers will never be able to discern pre-purchase if they could buy a product with preferable terms and conditions. The free market cannot function without key information that has been hidden away, another form of deception under the statute.

#3. OEMS sell equipment and then add terms and conditions that remove the common rights of ownership specifically control over repair. Yet under ownership law, owners are responsible for themselves and their property. Our systems of accounting, taxation and even personal injury law are based on ownership. When OEMS add contract terms that imply the customer is not the owner, such as any limitations repairing or restoring software to its original, these are rights that belong to the owner and not the OEM or the Dealer.

#4. OEMS have been using an "End User License Agreement" to insert terms and conditions which are never made clear pre-purchase, are written in dense legal language intended to hide and obfuscate the intent, and aren't negotiable. Worse -- these contracts are activated by turning on the machine. This is an abuse of customer rights and is deeply dishonest. Consumers deserve a consistent legal framework for making purchases. Abusive contracts should not be tolerated for any OEM, large or small. OEMs that determine they need to further protect their licensed IP beyond federal copyright law have the option of remaining the owner and renting the product.

#5. OEMs try to avoid as much potential exposure to personal injury litigation by disclaiming every possible potential problem up to the limit of state law. These terms and conditions are in every contract because manufacturers cannot afford to be responsible for the errors of their customers. OEMS do not want to be actually responsible for consumers hurting themselves -- they need to focus on their real responsibility to make sure products are designed and manufactured correctly and promptly repair any defects.

Right to Repair Updates -- 21 States and 33 Bills and growing.

Right to Repair legislation has been filed in 21 states. At least 3 more states are in the final stages of drafting. The majority of these bills include farm equipment because farmers and ranchers are exasperated. These bills would not be filed if farmers were not asking for help. We aren't driving this train -- farmers are. We're doing the best we can to help because we know the problems in and out.

We urge your committee and the Montana house to stand up for farmers and ranchers and pass HB 390.

Regards,

Gay Gordon-Byrne
Executive Director
The Repair Association
ggbyrne@repair.org
518-251-2835 (Office)
201-747-4022 (Mobile)

See Attachment A for further details.



**Attachment A to Testimony for HB 390 - Agricultural Right to Repair
February 23, 2021**

Monopolized Repair is Bad Policy

Repair monopolies are easy to establish because consumers cannot build their own electronic parts, tools, diagnostics or firmware to fix their products. When it comes to any electronic parts, we are all totally dependent on manufacturers, all of which have a very strong financial incentive to restrict repairs.

Monopoly Advantages for Manufacturers:

- a) Manufacturers can charge any fee they want for their services. The only alternative is to buy a new machine.
- b) Limit the number of people that can be trained or "Authorized" to make repairs - retaining a labor monopoly and adding to the need to deal only with the dealership.
- c) Refuse to produce spare parts at any point in time - limiting useful life and driving new sales.
- d) Cease making safety and security updates at any time - limiting useful life and driving new sales.
- e) Manipulate trade-in pricing to control the used market so that late-model tractors do not appear on the market as competitive lower-cost options.

Arguments against Right to Repair:

We've had several years of experience debunking opposition arguments from multiple industries. For the past 8 years we've yet to hear a coherent argument explaining how repair monopolies are good for consumers. There aren't any actual "Reasons" but there are a host of projections and assertions - none of which survive examination.

Opposition to Right to Repair for Agriculture has publicly focused on three assertions:

1. "Special interest groups" (farmers?? repair.org???) behind these bills only want to be allowed to gain access to **steal valuable source code**. Not so.
 - a. The bill specifically disclaims any interest in source code

- b. The only software requirement is the ability to restore existing embedded software back to its original state. Restoration is impossible without this access.
 - c. Embedded software (aka firmware) is integrated into the machine and parts. There is no reason to steal embedded software or firmware – it is already there.
 - d. Defects in design or manufacturing are often resolved by providing “updates” to embedded software. The word “Updates” implies some new features are being delivered at no charge, but this is not the case. Updates are ALWAYS fixes to known problems, or in the case of Payload files, updates activate new (purchased) configurations.
- 2. **Farmers will use repair documentation to illegally tamper with emissions,** The environment will be harmed, and Dealers won’t be able to sell used equipment as easily. Not so.
 - a. Tampering with emissions is not “Repair” as defined in the bill. Tampering has been going on for years without access to repair materials. Emissions tampering is not made legal by this bill.
 - b. The US Copyright Office has made specific exemptions to copyright law to broadly enable farmers to repair their tractors, including breaking digital locks, for purposes of repair.. This same ruling also requires the farmer to comply with all federal and state laws including EPA requirements. Nebraska Senators cannot alter federal law.
 - c. The schedule of fines from the EPA includes per incident fines for farmers separate from fines on OEMs and dealerships. We have not seen that Dealerships have been deputized by the EPA to enforce federal law.
 - d. Used market transactions are not exclusive to dealers -- farmers buy and sell products directly and through 3rd parties. EPA requirements still apply.
 - e. Secondary market values are supposed to be the result of a free and open market for willing buyers and sellers. Dealers should already be taking equipment condition into account when offering a trade-in.
- 3. **Farmers will become unsafe and people will die.** Not so.
 - a. Farmers with the same tools and diagnostics as available to the Dealership will be just as capable of complete repairs as dealership technicians. Refusal to provide essential diagnostics only increases the incentive to find alternatives.
 - b. OEMs create diagnostic software and tools so that their technicians can efficiently perform problem determination, replace the failed part, download any necessary defect, safety and security patches and fixes, and then re-execute

diagnostics to make sure the machine is working correctly. Once all diagnostics run correctly, the OEM itself considers the machine "completely" repaired. "Incomplete" repairs of electronics would be easily identified by running diagnostics.

Enduring conflict of interest between OEMS and Farmers

OEMS are in the business of designing and selling new equipment. Keeping older equipment in service, such as with a robust culture of repair, is not in their best financial interest.

Farmers have opposite interests -- keeping their investments running as long as possible and at the lowest possible cost. This is why a voluntary solution has been so difficult to achieve -- for OEMs to be "happy" - farmers will be unhappy. It is for you as legislators to decide who gets to be "Happy".

Most of our members are not farmers. We support the right of farmers to repair and sweat their assets because it's their property and their investment just as we do every other product made with a digital electronic part.

There is value to being the first state to pass this essential and common sense legislation. Repair companies located in Montana will be able to support the region with a home base in Montana. There will be more jobs, and likely more job training focused in Montana as a nexus for those jobs and related purchases and taxes.

Thank you for your consideration.

Please let me know if you have any questions.

Regards,

Gay Gordon-Byrne

Gay Gordon-Byrne
Executive Director
Repair.org
ggbyrne@repair.org
518-251-2837 (office)
201-747-4022 (mobile)

Author of "Buying, Supporting Maintaining Software and Equipment - an IT Manager's Guide to Controlling the Product Lifecycle" (copyright 2014 CRC Press)



WITNESS STATEMENT

Written Testimony Provided To:
House Judiciary
By Danette Welsh
February 24, 2021

Regarding: House Bill No. 481

Mr. Chairman and committee members,

For the record, my name is Danette Welsh and I serve as director of government relations of ONEOK, Inc. ONEOK owns and operates natural gas gathering pipelines and processing facilities, and natural gas liquids transmission pipelines throughout eastern Montana. ONEOK appreciates the opportunity to provide comment in support of HB 481 which will help protect critical infrastructure within the state of Montana.

The safety of our employees, assets, environment, neighbors, and the public cannot be compromised, and we appreciate the added protections HB 481 offers by deterring and penalizing those who may willingly and knowingly damage or otherwise compromise that safety. Willfully damaging actions, organized and unorganized, have occurred just in the past two years in neighboring states including North Dakota and Wyoming. These actions have resulted in economic, social and environmental impacts. HB 481 will provide recourse and true accountability for these actions, and hopefully provide enough deterrence to stop the actions from happening at all.

We thank the sponsor for bringing this legislation forward and encourage the House Judiciary committee to support HB 481. I am available to provide additional information or answer any questions at the contact information provided below.

Danette Welsh
Director, Government Relations
ONEOK, Inc.
(701) 471-9490
dwelsh@oneok.com

WITNESS STATEMENT

To the House Judiciary Committee

Opposition to House Bill 481.

Dear Committee Members,

House Bill 481 would threaten to criminalize people rallying against corporate projects by creating a new special protected category of "critical infrastructure" for energy projects.

The bill would impose felony charges and steep fines on anyone who trespasses on or tampers with energy infrastructure. But trespassing and vandalism are already illegal and punishable by steep fines and jail time under existing Montana law. The real impact of this bill is its threat to free speech, freedom of association, and the unintended consequences the bill could have on everyday Montanans.

This bill would have huge repercussions and unintended consequences for farmers and ranchers who have some form of "critical infrastructure" on their land. Sometimes ranchers accidentally hit buried pipelines, or run over exposed pipe with a tractor. This bill could make landowners vulnerable to felony prosecution if they inadvertently "disrupt" the energy infrastructure on their own land. It even potentially criminalizes "entering property containing a critical infrastructure facility," which in the case of a rancher or farmer, could mean their own land.

If passed, House Bill 481 would demote ranchers and property owners beneath energy interests in negotiations over access to leasing sites on their own property. HB 481 also threatens to bankrupt organizations deemed "guilty by association" for acts of vandalism that they did not cause – with fines of up to \$1.5 million.

I believe in the right to peaceful protest and legal assembly. This bill seems designed to scare Montanans out of exercising their Constitutional rights by threatening that we could end up liable for **someone else's crime**. And Montana's farmers and ranchers could end up paying excessive fines and facing criminal consequences simply for working their land.

Sincerely,
Robyn Morrison
3430 Kase Rd, Helena, MT 59602

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 3:44 PM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-581: Revise gun storage laws 2021-02-24 07:00 AM - (H)
Judiciary Successfully Submitted on 02-23-21 15:44

Details:

Bill: HB-581: Revise gun storage laws 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Moms Demand Action for Gun Sense in America

Name: Rebecca Squires

Email: bsquires749@gmail.com

Phone: (406) 439-7309

City, State: Helena MT

Written Statement: TESTIMONY OF REBECCA SQUIRES Representing Moms Demand Action for Gun Sense in America HB 581 House Judiciary Committee February 24, 2021

My name is Rebecca Squires. I am a volunteer with Moms Demand Action for Gun Sense in America. I support HB 581 because it provides a strong incentive for responsible gun ownership through the secure storage of guns in the home.

I want to tell you why I am passionate about the secure storage of guns, and why you should be, too. My great-nephew, 9-year-old Grady, was shot and killed with a loaded handgun that was left on a table in the home of a friend he was visiting. If that gun had been responsibly stored by the adults in the home, Grady would be alive today.

Grady was my niece's son, my sister's grandson. It was just before he was to start 3rd grade.

When my sister called on that hot summer afternoon and told me "Grady's gone," all I thought at first was maybe he had run away from home. It took a few moments to sink in that he had been shot and killed, but after it did, it brought me to my knees. I couldn't stop shaking and crying. My niece and my sister wanted me to come to Belgrade for support, but I knew I was in no condition to drive. While I waited for my husband to come home from work so he could drive us there, all I could do was pace and cry.

A lot of what happened after that phone call is a blur. When the crime lab released Grady's body and we could go see him, I just couldn't do it. My sister couldn't either, but she was outside the room when his mom saw her darling boy for the first time since he was shot in the head. My sister's description of Kristina wailing in that moment still brings tears to my eyes. No parent should have to bear witness to what she did that day.

Grady was a special kid. He loved the color blue, insects, rocks, and especially, trees. Oh, and dirt biking, of course! But, most importantly, Grady was kind. If he saw another kid being bullied, he always stepped in, and he helped get a Buddy Bench installed at his school, where kids can go if they're lonely and need someone to play with. I have no doubt that he would have made the world a gentler, more inclusive place if he'd only been given the chance. But because of what happened that August day, that opportunity was stolen from him. The world will always be a little less bright because of it.

It's been 5 years since Grady's death. He would have been 14 in January. His family will not get to see him grow up. No other family should have to endure the heartache of losing a child the way we lost Grady. I do not know why the adults in that house were such irresponsible gun owners. But there is no question that a substantial fine for keeping a firearm where a minor is likely to gain access will result in more gun owners storing their firearms responsibly, and fewer deaths like Grady's.

Every year, about 15 children and teens in Montana die by guns. And I can testify to the fact that each of those deaths has a significant impact on the child's family, friends, school, and community. Firearms are the second leading cause of death for children and teens in Montana. You can do something about those terrible statistics. Studies have found that households that locked both firearms and ammunition have a significantly lower risk of firearm deaths than those that locked neither.

I know you can't bring Grady back, but there is something you can do for other Gradys in Montana – please support this bill and take an important step to remind us all that the right to bear arms includes the responsibility to keep them from needlessly killing our children.

Thank you for allowing me to share our tragedy. Please vote for HB 581 to help prevent future ones.

Files:

Testify via Zoom: No

Zoom Method: N/A

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 11:00 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:00

Details:

Bill: HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Laurie Little Dog

Email: LaurieLittleDog@gmail.com

Phone: (406) 308-3378

City, State: Bozeman, MT

Written Statement: My name is Laurie Little Dog and I rise in strong opposition to HB 481.

This criminalizes the People's right to defend tribal homelands and additional efforts that erode the land for future generations.

Please oppose HB481.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 11:06 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:05

Details:

Bill: HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Hannah Hernandez

Email: precambrianmt@hotmail.com

Phone: (406) 638-1149

City, State: Troy, MT

Written Statement: To House Judiciary Committee,

Oppose HB 481.

This bill is an attack on FREEDOM. This bill adds additional criminal penalties for individuals who participate in protests involving "critical infrastructure." This bill is aimed at individuals who are protesting activities that may harm the environment and human health by adding additional criminal penalties onto activities that are already illegal. It also allows for charging organizations who are "found to be a conspirator," which is incredibly ambiguous.

It is an inherent right for Montanans to gather and protest. Protesting is one of the most patriotic acts a individual and community can undertake. Protesting is the physical demonstration and expression of liberty. Criminalizing the most basic civil liberty of protesting is what happen in fascist, authoritarian regimes.

Vote NO HB 481.

Thank you.

Hannah Hernandez

Files:

Testify via Zoom: No

Zoom Method: N/A

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 11:12 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:11

Details:

Bill: HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: Opening Doors

Name: Josh Butterfly

Email: butterflyjosh4@gmail.com

Phone: (406) 217-6518

City, State: Great falls

Written Statement: This bill targets protesters freedom of speech, freedom of expression and makes it another door way into the Montana's Justice System. We strongly oppose this bill.

Files:

Testify via Zoom: Yes

Zoom Method: Phone

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 5:52 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 05:51

Details:

Bill: HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana Wood Products Association

Name: Julia Altemus

Email: julia@montanaforests.com

Phone: (406) 241-7047

City, State: Missoula, MT

Written Statement: February 23, 2021

Representative Barry Usher

Chair, House Judiciary

State Capitol, Room 137

Helena, MT 59601

RE: HB 481 Protect Critical Infrastructure

Dear Chairman Usher and Committee:

On behalf of the Montana Wood Products Association, we offer our support for HB 481. With all the uncertainty in our country these days, it is important that we protect Montana's critical infrastructure with deterrents such as fines and imprisonment for those that willfully trespass and destroy property, those that may engage an individual or group to do harm or conspire to do harm.

This is an important bill, and we urge your support.

Sincerely,

Julia Altemus

Montana Wood Products Association

Executive Director

Files:

Testify via Zoom: No

Zoom Method: N/A

LEG Committee-House Judiciary testimony

From: leg-noreply@mt.gov
Sent: Tuesday, February 23, 2021 7:49 AM
To: LEG Applications Email Backup; LEG Committee-House Judiciary testimony
Subject: Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 07:49

Details:

Bill: HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: John Rundquist

Email: rundquistador@gmail.com

Phone: (406) 431-5588

City, State: Helena, MT

Written Statement: This bill is redundant as laws already exist for criminal trespass. Further, to include violations for organizations that are suspected conspirators brings ambiguity and could potentially be used as a tool against free speech. This law is an unnecessary big government bill that will accomplish nothing but clogging the courts.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

US Constitution is the law of our land and has been amended many times before to deal with necessary foundational issues. BBA is a foundational issue.

- Our opponents like to sell the false narrative that use of Path B of Article V will absolutely lead to a wide open convention where the BBA topic constraints are certain to be abandoned and a wide-open convention resulting in a totally new constitution results. They will certainly sell this nonsense by arguing that the original 1787 Constitutional Convention was the result of a runaway convention. Fortunately, historical records prove this assertion to be slanderous and false. The delegates to the 1787 Convention in Philadelphia were given a broad mandate from their states to "render the constitution adequate to the urgent needs of the Union." Much scholarly reading on this topic is easily available to clarify this false narrative.
- Our opponents promote the use of Nullification to push back on Federal over reach. I support nullification when appropriate, but realize that while it might be a tool for pushing back against unconstitutional laws, it does not provide any opportunity to make structural changes like a constitutional amendment and the BBA.
- The John Birch Society says if we follow the Constitution and limit congress to its specific enumerated responsibilities, the federal budget will shrink to a small fraction of generated revenues and the budget will have a surplus. The devil is in the details, and JBS never specifically identifies what Federal spending will be eliminated. Nor does JBS provide any details in a plan or any directions on how to accomplish this. The John Birch Society has been preaching this Constitutional purism for around 60 years and the budget problems have exponentially worsened during this span. Where is the success story?
- It is easy for our opponents to sell the SKY IS FALLING false narrative on Article V. Fear is an easy sell to the uninformed. JBS also contends that all Article V applications are the same. They are not.

On January 6, 2015 the United States House of Representatives began the process of cataloging applications submitted to the House by the state legislatures with the adoption of a new provision in the House's parliamentary rules of procedure. As part of this effort, the law firm Van Sickle-Boughey out of Minot ND was tasked with collecting

the historical records in the states on Article V applications. VSB also created a classification system for such application. The results created 5 classes of applications.

- Class I: A call for a general convention, with no motivating issue listed
 - Class II: A call for a general convention, with a separate statement of proposed amendment or explicit statement that the convention may consider other amendments proposed by states
 - Class III: A call for a general convention tied to a proposed amendment
 - Class IV: A call for a convention, with language aimed to limit the convention to the issue presented
 - Class V: A call for a convention, with language to rescind the application from consideration for a convention if any other topic is to be covered.
- Our opponents regularly combine all applications, 1-5 and present their arguments against Class I weakness while projecting these arguments onto all classes and all application. This is dishonest and unethical. Don't let them fool you.

Our opponents take glee in calling all Article V applications as applications for a ConCon, which to them is a clever term for Constitutional Convention. I have a different definition for ConCon. It is CONman-CONjob. Don't let them CON you!

There is no easy button. Regardless of how you chose to vote on the final passage of HJ13, failure to move this bill to a full floor debate would be this committees own version of Cancel Culture, or book burning. A full floor debate will heighten the awareness of Article V and the constitution itself. This debate needs to happen. I support moving the debate forward, vote accordingly.

Terry Kramer

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Clancy, MT. 59634

HD 75. SD38

WITNESS STATEMENT

February 24, 2021
House Judiciary Committee
Helena, MT
Room 137 @7:00 am

Honorable Chairman Usher and members of the House Judiciary Committee,

My name is Billy Ross and I'm a licensed Profession Civil Engineer living in Great Falls. I'm a registered Montana voter. As a conservative Republican, I'm 100% all for a balanced budget and I'm appalled by the deficit spending that the federal government (both Republicans and Democrats) has become addicted to. Another \$1.9 *trillion* in deficit spending is about to be borrowed. These are borrowing obligations (debt) that we will saddle our Grandchildren's grandchildren with! This type of deficit spending poses not only a very real and significant financial risk to our county, but also a significant national security risk. When the country is broke/bankrupt from this deficit spending, how are we going to be able to put fuel in our F-35 and F-22 fighter jets? In fact, how are we going to even maintain the readiness of our troops and equipment? Well, the short answer is that we will not be able to do so. The result? China completes the take-over of the South China Sea and Russia is empowered to continue the aggression southward that they started in the Ukraine in 2014. Add to that the economic misery at home with inflation, unemployment, increased hunger and homelessness; the list goes on...

These issues can be solved by having the right leadership in Washington. HOWEVER, the solution is not to open up our United States Constitution for change to fix this one particular (but very important) issue of a balanced budget.

Article V of the Constitution calling for a Constitutional Convention simply cannot be limited to the narrow scope of a balanced budget; once the Constitution is opened for change it is FULLY and completely opened to change at essentially all levels.* This is a classic case of the camel poking his nose underneath your tent; if you let the camel do so you then will soon find the camel making himself right at home *inside* your tent.

Honorable Chairman Usher and members of the House Judiciary Committee, I very respectfully request that you vote against – to vote NO - on HJ 13. Let's work together to solve the deficit spending problem while also keeping the camel from coming inside our tent and trampling all over our great Constitution.

Thank you very much for considering these comments today.



Billy Ross, P.E (PE #19605)
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*** The Article V Convention: Contemporary Issues for Congress:** Thomas H. Neale - Specialist in American National Government, March 7, 2014, Congressional Research Service, 7-5700
www.crs.gov R42589

"In the absence of guidance from Congress, the state legislatures have historically forwarded their applications for an Article V Convention to an almost bewildering range of congressional officers and offices. For practical purposes, this is an area where the Senate and the House of Representatives, acting either jointly or individually, might choose to designate a single official or office to whom such applications should be addressed, such as the Secretary of the Senate and the Clerk of the House of Representatives, or, alternatively, the Speaker and the President pro tempore of the Senate. The law governing the transmission of state electoral college proceedings offers a potential example: in this instance, each state is required to transmit the vote of its electors to the President of the Senate (recall that the Vice President presides over the joint electoral vote count session in his capacity as President of the Senate), the secretary of state of their state, the Archivist of the United States, and the judge of the federal court in the district in which the electors assemble.¹⁵³ By designating specific officials, the statute avoids the uncertainty faced by states as to whom their electoral college results should be addressed, and by specifying multiple recipients, it ensures that the certificates will be safely delivered and retained. Once they are received by Congress, state applications for an Article V Convention are classified as "Memorials."¹⁵⁴ As such, they may be addressed to the House or Senate as a whole, to the Speaker or the presiding officer of the Senate, or to individual Senators or Representatives. Memorials are printed on an occasional basis in the Congressional Record after they have been received.

"The Senate assigns a "POM" (petitions or memorials) number to each memorial and prints the full text of memorials received from state legislatures from time to time under the heading "Petitions and Memorials" in the Record, as authorized by Rule VII of the Standing Rules of the Senate.¹⁵⁵

"House practice differs somewhat: memorials are customarily presented by the Speaker, in accord with Rule XII, clause 3 of the Rules of the House. They are assigned a number, and printed and recorded separately from other communications in the Congressional Record, under the heading "Memorials." Unlike the Senate, the House includes only a digest of the state measure.¹⁵⁶"

¹⁵³ 3 U.S.C. 11.

¹⁵⁴ For additional information, see CRS Report 98-839, Messages, Petitions, Communications, and Memorials to Congress, by R. Eric Petersen.

¹⁵⁵ See Standing Rules of the United States Senate, Rule VII, paragraph 1, available at <http://rules.senate.gov/public/index.cfm?Rule=VII>.

¹⁵⁶ See Rules of the House of Representatives, Rule XII, clause 3, at <http://www.rules.house.gov/singlepages.aspx?NewsID=133&rsbd=165>.



The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress

Thomas H. Neale
Specialist in American National Government

March 7, 2014

Congressional Research Service

7-5700

www.crs.gov

R42589

Summary

Article V of the U.S. Constitution provides two methods of proposing amendments. First, Congress, with the approval of two-thirds of both houses, may propose amendments to the states for ratification, a procedure used for all 27 current amendments. Second, if the legislatures of two-thirds of the states apply, 34 at present, Congress “shall” call a convention for considering and proposing amendments. This alternative, known as an Article V Convention, has yet to be implemented. This report examines the Article V Convention, focusing on contemporary issues for Congress. CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, examines the procedure’s constitutional origins and history and provides an analysis of related state procedures.

Contemporary developments give evidence of renewed interest in the Article V Convention alternative as emerging Internet- and social media-driven public policy campaigns embrace the convention alternative as a vehicle to bypass perceived policy deadlock at the federal level. In 2011, individuals and advocacy groups ranging on the political spectrum from conservative libertarian to progressive joined in a 2011 conference, “ConConCon,” to discuss and promote an Article V Convention. In November 2013, the Ohio legislature applied for an Article V Convention to consider a balanced federal budget amendment, the first new state application received since 1982. On December 7, 2013, a group of 100 state legislators convened to promote an Article V “convention of states,” while a new policy advocacy group of the same name is promoting an Article V Convention to propose amendments that “impose fiscal restraints and limit the power of the federal government.” Earlier in 2013, the Compact for America, a group initially sponsored by the Goldwater Institute, proposed the “Compact for a Balanced Budget.” This initiative would involve an interstate compact that would provide a single package by which states would call for a convention, agree to convention format, membership and duration, agree to and propose to Congress a specific balanced budget amendment, and prospectively agree to ratify the said amendment.

The Constitution provides a brief description of the Article V Convention process, but leaves many questions unanswered. If an Article V Convention seemed imminent, Congress would face a range of issues and questions associated with a convention summons. These would include the following: Is Congress required to call a convention? What constitutes legitimate applications from the states, and what authority does Congress have to decide this question? What sort of convention would it be: “general,” open to consider any issue, or “limited,” confined to a specific issue? Could a “runaway” convention propose amendments outside its mandate? Is Congress required to submit to the states *any* amendment proposed by an Article V Convention? Does Congress establish the procedures for a convention, and has it addressed this issue in the past? How should Congress process state applications for a convention? How many delegates should a convention include? How should the states vote? How long should the convention last? Could Senators and Representatives serve in an Article V Convention? Would a simple majority suffice to propose amendments, or is a super-majority appropriate? Would the District of Columbia, U.S. territories, and other associated jurisdictions participate? What would the President’s role be?

If Congress were called on to summon a convention, it could consult a range of information resources in fashioning its response. These include the original intent of the founders, scholarly works cited in this report and elsewhere, historical examples and precedents, and the work of previous congressional examinations of the issue from the 1970s through the 1990s.

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Introduction

Article V of the U.S. Constitution provides two methods by which the nation's founding charter may be amended. The first, Amendment by Congressional Proposal, requires the adoption of an amendment or amendments by a two-thirds vote in both houses of Congress; the second, generally referred to as the "Article V Convention" method, authorizes the states to apply to Congress for a convention for proposing an amendment or amendments. If the legislatures of two-thirds of the states, 34 at present, do, in fact, apply for a convention, Congress is obliged to convene one. Both methods then require the approval of three-fourths of the states, 38 at present, in order to become part of the Constitution.

While the Article V Convention option was largely dormant for more than two decades after the early 1980s, there is evidence of revived interest both in new constitutional amendment proposals and in the use of the Article V method as a grass-roots or state-driven alternative that could empower a convention to propose amendments without securing a two-thirds majority in both chambers of Congress. Indeed, the evidence of the founder's actions at the 1787 Constitutional Convention suggests that they intended the Article V Convention as a "way around" a Congress unwilling to consider an amendment or amendments that enjoyed broad support. Whether current efforts to promote an Article V Convention enjoy sufficiently broad support to make serious progress toward their goal remains to be seen.

In the past, the need to mobilize public support, coupled with the measured pace of state legislative action, guaranteed that an organized movement for an Article V Convention would take considerable time to develop public awareness and support and move the application process forward. Over the past 15 years, however, extraordinary advances in communications technology may have altered this calculation. The swift rise of Internet- and social media-driven policy campaigns suggests that the time-consuming organization and development once considered prerequisite to an effective Article V Convention advocacy movement could be greatly compressed in the contemporary context, and that much of the infrastructure previously thought necessary for such a campaign might be avoided altogether.

This report opens with a brief overview of the provisions of Article V of the U.S. Constitution, which established the alternative procedures for proposing amendments to the states. A companion report, CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, provides more comprehensive information on the Article V Convention mechanism, including a detailed examination of constitutional and statutory provisions, constitutional origins and original intent, case studies of major campaigns for an Article V Convention, and a review of the role of the states in the process.

Background: Article V of the U.S. Constitution in Brief

Article V of the U.S. Constitution provides two methods for amending the nation's fundamental charter. The first, or "Congressional" method, authorizes proposal of amendments by Congress:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, ... which ... shall be valid to all Intents and Purposes, as

Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress....¹

The second, or “Article V Convention” method, requires Congress, “on the Application of the Legislatures of two thirds of the several States,” 34 of 50 at present, to call “a Convention for proposing Amendments....”

Amendments ratified by the states under either procedure are indistinguishable and have equal force; they are both “valid to all Intents and Purposes, as Part of this Constitution”² Both modes of amendment share key constitutional requirements:

- Amendments proposed either by Congress or an Article V Convention must be ratified by three-fourths of the states, 38 at present.
- Congress is authorized to choose the method of ratification in the states. The options are ratification by ad hoc *conventions* called by the states for the specific purpose of considering the ratification, or ratification by the legislatures of the states. The three-fourths requirement applies in both instances.³

In addition, three elements not included in the Constitution have also become “standard procedure” when Congress proposes amendments. As precedents, they would also likely be followed for an amendment or amendments proposed by an Article V Convention.⁴

- First, amendments are not incorporated into the existing text of the Constitution as adopted in 1788, but rather, are included as supplementary articles.⁵
- Second, Congress may set a time limit on the ratification process. Beginning with the 18th Amendment, proposed in 1917, and continuing with the 20th through 26th Amendments,⁶ Congress specified that amendments must be ratified within seven years after being proposed in order to become effective.⁷

¹ U.S. Constitution, Article V.

² Ibid.

³ To date, Congress has specified ratification by ad hoc state convention for only one amendment, the 21st, which repealed the 18th “prohibition” amendment. This is discussed at greater length later in this memorandum.

⁴ A fourth element applies to amendments proposed by Congress: the congressional vote must be by *two-thirds vote of the Members present and voting, a quorum being present* in both the House and Senate, in order to propose an amendment. This practice was endorsed by the Supreme Court in the *National Prohibition Cases*, of 1920 (253 U.S. 350, 386 (1920)).

⁵ James Madison, sponsor in the House of Representatives of the amendments now known as the Bill of Rights, suggested they should be incorporated in the body of the Constitution. The House decided instead to add them to the end of the Constitution as additional articles, a precedent followed for all subsequent amendments.

⁶ The 27th Amendment, the most recently ratified, was proposed to the states in 1789 *without* a seven-year time limit on ratification. It requires that congressional salary increases can take effect only after an intervening election. Despite having been pending for 203 years, this amendment was revived, ratified by more states, and was ultimately declared to have been ratified in 1992.

⁷ The seven-year requirement was incorporated in the body of the amendment in the 18th and 20th through 22nd Amendments. For subsequent amendments, Congress concluded that incorporating the time limit in the amendment itself “cluttered up” the amendment. Consequently, the 23rd through 26th Amendments placed the limit in the authorizing resolution, rather than in the body of the amendment. (See “Article V: Ratification” in U.S. Congress, Senate, *The Constitution of the United States, Analysis and Interpretation*, 108th Congress, Senate Document 108-17 (Washington: GPO, 2004), available at <http://www.gpoaccess.gov/constitution/pdf2002/015.pdf>.)

- Finally, the Constitution does not require approval of proposed amendments by the President, who has no official function in the process of proposing an amendment to the states. The chief executive's approval or signature has no bearing on the process, and he or she cannot veto or pocket veto a proposed amendment that has been approved by the requisite congressional majorities, or proposed by an Article V Convention.⁸

The first method has been used by Congress to submit 33 amendments to the states, beginning with the Bill of Rights in 1789. Of these, 27 amendments were approved by the states; 26 of them are currently in effect, while one, the 18th Amendment that prohibited the "manufacture, sale, or transportation of intoxicating liquor," was ultimately repealed by the 21st Amendment.

The Article V Convention option has yet to be successfully invoked, although not for lack of activity in the states. Three times in the 20th century, concerted efforts were undertaken by proponents of particular amendments to secure the number of applications necessary to summon an Article V Convention. These included conventions to consider amendments to (1) provide for popular election of U.S. Senators; (2) permit the states to include factors other than equality of population in drawing state legislative district boundaries; and (3) to propose an amendment requiring the U.S. budget to be balanced under most circumstances.⁹ The campaign for a popularly elected Senate is frequently credited with "prodding" the Senate to join the House of Representatives in proposing what became the 17th Amendment to the states in 1912, while the latter two campaigns came very close to meeting the two-thirds for an Article V Convention in the 1960s and 1980s, respectively.¹⁰

Congress and the Article V Convention in the 21st Century

Three decades have passed since the high-water mark of the balanced budget amendment convention campaign in the 1980s. Few current Members of either chamber have experienced the prospect of an Article V Convention. After 30 years of relative inactivity, however, there is evidence of renewed public interest in the convention alternative.

Congress: Key Actor in the Article V Convention Process

What compelling interest, among the many competing demands for its time and energy, does Congress have in the Article V Convention mechanism? There is little to command its interest if the Article V Convention remains, as it has for the past three decades, a constitutional footnote. In the event of revived public interest in this issue, however, Congress might choose to reexamine its constitutional duties under Article V.

⁸ This issue was determined as part of a 1798 Supreme Court decision, *Hollingsworth v. Virginia*, 3 Dall. (3 U.S.) 378 (1798).

⁹ For more detailed information on the origins and history of the Article V Amendment process, please consult the companion report, CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale.

¹⁰ By 1969, 33 states had applied for a convention to consider amendments related to state legislative reapportionment. Between 1975 and 1983, 32 petitioned for a convention to consider a balanced budget amendment.

First, Article V delegates important and exclusive authority over the amendment process to Congress. As noted earlier in this report, first among these are the right to propose amendments directly to the states for their consideration on the vote of two-thirds of the Members of the House of Representatives and the Senate and the responsibility for summoning a convention for consideration of amendments on application of the legislatures of two-thirds of the states *and* submitting any amendments proposed by an Article V Convention to the states for their consideration.

Second, while the Constitution is silent on the mechanics of an Article V convention, Congress has traditionally laid claim to broad responsibilities in connection with a convention, including (1) receiving, judging, and recording state applications; (2) establishing procedures to summon a convention; (3) setting the amount of time allotted to its deliberations; (4) determining the number and selection process for its delegates; (5) setting internal convention procedures, including formulae for allocation of votes among the states; and (6) arranging for the formal transmission of any proposed amendments to the states.

Traditional Deterrents to an Article V Convention

It may be argued that there is no immediately pressing need for Congress to examine its Article V options and responsibilities. Historical precedent suggests that attaining petitions from two-thirds of the states in a timely manner is a difficult obstacle, as demonstrated by the several unsuccessful convention drives in the latter part of the 20th century. As noted earlier, these fell short of the two-thirds mark, despite the vigorous efforts of organized support groups over a period of several years, and until recently, there has been little apparent interest in the Article V Convention mechanism in the states since the 1980s. Judging by the historical record, the process might arguably be described as a footnote to constitutional history.

The obstacles to any campaign for an Article V Convention remain daunting even in the face of rapid change: the Constitution sets a considerable hurdle for the Article V Convention process by requiring that applications for a convention be made by the legislatures of at least two-thirds of the several states. Further, as this report demonstrates, there are competing schools of thought on how a convention should be called, what would be an appropriate mandate for the convention, the scope of any amendments it might propose, and, perhaps most important, the role of Congress in all these questions. Moreover, any amendments proposed would face the same task of securing approval of three-fourths of the states before they were ratified.

The measured pace of the legislative process in the states has also traditionally served as a check to haste in calling such a convention.¹¹ For instance, in the case of the balanced budget amendment convention drive, it took seven years for an organized campaign to gain convention applications from 32 of the necessary 34 states.¹² Nevertheless, given the extraordinary speed and

¹¹ As Supreme Court Justice and constitutional commentator Joseph Story noted, “The great principle to be sought is to make the changes practicable, but not too easy; to secure due deliberation, and caution; and to follow experience, rather than to open a way for experiments, suggested by mere speculation or theory.” See Joseph Story, *Commentaries on the Constitution of the United States* (Boston: Hilliard, Gray & Co., 1833), §1821. Available in *The Founders Constitution*, a joint venture of the University of Chicago Press and the Liberty Fund, Web edition, at <http://press-pubs.uchicago.edu/founders/documents/a5s12.html>.

¹² See under “The Balanced Budget Amendment: 1975-1983” in CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale. While most state legislatures convene annually, their sessions are frequently limited by law; 32 states place some form of time constraint (continued...)

flexibility of contemporary social media and communications technology, interested organizations could conceivably launch an Article V Convention campaign for a specific amendment or amendments, or perhaps for a general constitutional convention, within a shortened time frame. In the 1960s, 1970s, and 1980s, it took time for “grass roots” efforts to emerge, form organizations to promote their causes, communicate with like-minded groups, undertake campaigns in state legislatures, and generally to learn and perfect the ancillary skills necessary for nationwide issue advocacy. Today, in contrast, the greatly enhanced level of communications technology and widespread use of social media arguably provide a ready-made infrastructure for emerging advocacy campaigns.

Emergence of Technology-Driven Issue Advocacy—A Model for Contemporary Article V Convention Supporters?

Communications technology has greatly advanced in the three decades since the campaign for an Article V balanced budget convention gained its last state application in 1983. The development and subsequent ubiquity of e-mail and social media have already provided a new and compelling model for issue-driven mass policy advocacy campaigns. The emergence of social-media driven groups such as MoveOn.org, the Tea Party movement, and Occupy Wall Street serve as the most obvious examples. Their swift rise, combined with widespread publicity, and a certain degree of success, suggest the possibility that a contemporary campaign, using the communications strategies and tools of the age, could arguably move the issue of an Article V Convention to the forefront of public awareness on a shorter cycle than was possible for previous campaigns.

In an era of instant interpersonal electronic communication, e-mail and other social network media can facilitate remarkably rapid growth in awareness of a political phenomenon. For instance, MoveOn.org emerged in 1998 as an ad hoc online coalition opposed to the impeachment of President Bill Clinton; it has since grown to a membership of 5 million.¹³ More recently, the Tea Party movement originated in late 2008 with online discussions on conservative-oriented social networking sites and frequent conference calls among organizers. On February 19, 2009, a cable network business commentator made an on-air call for rallies to oppose government spending; his emotionally charged remarks were picked up by various websites and went “viral.” In just two months the newly named “Tea Party” movement was able to rally over 600,000 supporters in more than 600 demonstrations around the nation.¹⁴ Occupy Wall Street was started by Canadian activists on July 13, 2011;¹⁵ by September 17, it had begun its protests in New York

(...continued)

on their sessions, frequently limiting them to as little as 60 to 90 session days. Given the generally hectic pace and urgent demands faced by most state legislatures during their sessions, it seems unlikely that Article V convention proposals could make it through the legislatures of 34 states in one year. Judging from previous efforts, it appears more likely that even a well-publicized and popular Article V petition drive would require two to five years of state legislative action before it approached “critical mass.” See *The Book of the States*, 2009 edition, volume 41 (Lexington, KY: Council of State Governments, 2009), pp. 83-85.

¹³ Jonathan Rauch, “How Tea Party Organizes Without Leaders,” *National Journal*, September 11, 2010, available at http://www.nationaljournal.com/njmagazine/cs_20100911_8855.php.

¹⁴ Ibid.

¹⁵ “Occupy Wall Street To Turn Manhattan Into ‘Tahrir Square’” *New York Times*, September 17, 2011, available at <http://newyork.ibtimes.com/articles/215511/20110917/occupy-wall-street-new-york-saturday-protest.htm>.

City, and within a month, it claimed to have mounted demonstrations or other protests in 70 major cities and more than 600 communities throughout the country.¹⁶

Advances in communications technology and the examples of such phenomena as the Tea Party and Occupy Wall Street movements could provide a model for present-day advocates of the Article V Convention alternative. Notwithstanding the deterrents to an Article V Convention cited earlier in this report, the methods and technologies identified above could arguably be harnessed to promote a credible campaign in a much shorter period of time than was the case with previous convention advocacy movements.

As the institution authorized by the Constitution to summon, and, arguably, to plan for and guide an Article V Convention, this prospect could present Congress with a range of consequential issues in a time frame that could require its urgent consideration. Under these circumstances, Congress might be called on to revisit the Article V Convention issue for the first time since the 1980s.

2011-2012: Revival of Interest in the Article V Convention Option

After more than 20 years of inactivity, there is evidence of renewed interest in the Article V Convention option among various policy advocacy groups. The convention method may be particularly attractive on several grounds: it springs unquestionably from the “original intent” of the founders; the need for state petitions suggests widespread popular grass-roots origins; and the prospect of proposing amendments directly to the states offers an alternative to what some have characterized as a legislative and policy deadlock at the federal level.

One organization, the Friends of the Article V Convention (FOAVC), a self-described non-partisan group, has been a persistent advocate of the convention option since at least 2007. Its website¹⁷ includes lists of what the organization claims are over 700 state applications for a convention.

In a subsequent development, in September 2011, a diverse coalition, including Harvard Law School; the Tea Party Patriots; and Fix Congress First, a self-described “network of activists fighting the corrupting influence of money and politics,”¹⁸ sponsored a Conference on the Constitutional Convention—“ConConCon”—at Harvard.¹⁹ This colloquium investigated constitutional and political questions associated with an Article V Convention, identified state and local grass-roots planning for a convention, and considered the question of proceeding with a convention campaign.²⁰

Also in 2011, the Tax and Fiscal Policy Task Force of the American Legislative Exchange Council (ALEC) released *Proposing Constitutional Amendments by a Convention of the States, A Handbook for State Lawmakers*. This publication, which provides an overview of the Article V

¹⁶ Joanna Walters, “Occupy America: Protests Against Wall Street and Inequality Hit 70 Cities,” *The Guardian* (U.K.), October 8, 2011, available at <http://www.guardian.co.uk/world/2011/oct/08/occupy-america-protests-financial-crisis>.

¹⁷ See Friends of the Article V Convention, available at <http://www.foavc.org/>.

¹⁸ This group has renamed itself Rootstrikers, available at <http://rootstrikers.org/>.

¹⁹ Conference on the Constitutional Convention, available at <http://conconcon.org/>.

²⁰ *Ibid.*, available at <http://conconcon.org/agenda.php>.

Convention question, includes such elements as an overview of the process; the question of judicial review; a step-by-step guide to the state application process; an examination of the “runaway convention” question; and “practical recommendations” for the states. ALEC describes itself as a non-profit organization that provides a forum for state legislators and private sector leaders to discuss and exchange information on state policy issues. It focuses on such issues as “free markets, limited government and constitutional division of powers between the federal and state governments.”²¹ Critics of ALEC and its programs, such as Bob Edgar, president of Common Cause, assert, however, that “its mission is to bring together corporations and state legislators to draft profit-driven, anti-public-interest legislation, and then help those elected officials pass the bills in statehouses from coast to coast.”²²

A further example of increasing interest in the Article V device was offered by a “ConConCon” participant, Harvard Professor Lawrence Lessig, collaborating with campaign management expert Mark McKinnon on “How to Sober Up Washington,” a related article that appeared in *The Daily Beast* on April 6, 2012. The authors called for a convention to consider amendments that would eliminate what they describe as corruption in the federal government:

There is something we can do. We, the People, can take back the power we gave to Congress. We can take it back through the states. The framers left open a path to amendment that doesn’t require the approval of Congress: a convention. Article V of the Constitution requires Congress to call a convention to propose amendments if 34 state legislatures demand it.²³

Moreover, they assert that an Article V Convention would be equally attractive to the political left and right, because, assuming that it would be an open convention,²⁴ the delegates could consider, and conceivably propose, amendments from the agendas of both ends of the political spectrum:

The beauty of a convention is that it would provide a forum of possibility for conservative Tea Party types who might want an amendment calling for a balanced budget; or a line-item veto for the president as well as progressives who would like to amend the [C]onstitution to make it possible to enact meaningful campaign finance reform. The only requirement is that two-thirds of the states apply, and then begins the drama of an unscripted national convention to debate questions of fundamental law. It would be a grand circus of democracy at its best.²⁵

One notable aspect of these proposals for an Article V Convention appears to be the political diversity of their proponents. As noted previously, “ConConCon” was partially sponsored by organizations that represent divergent parts of the political spectrum, while the conference itself was co-sponsored by Harvard Law School and held on the Harvard campus. These efforts may

²¹ For additional information on ALEC, see <http://www.alec.org/about-alec/frequently-asked-questions/>.

²² Mike McIntyre, “Conservative Non-Profit Acts as a Stealth Business Lobbyist,” *New York Times*, April 21, 2012, available at http://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html?pagewanted=all&_r=1.

²³ Mark McKinnon and Lawrence Lessig, “How to Sober Up Washington,” *The Daily Beast*, April 6, 2012, available at <http://www.thedailybeast.com/articles/2010/04/06/how-to-tell-dc-politicians-to-go-to-hell.html>.

²⁴ The question of whether an Article V Convention has the authority to propose an amendment or amendments on any issue (open), or is restricted to the single issue for which it is convened (closed) is examined in detail later in this report.

²⁵ McKinnon and Lessig, “How to Sober Up Washington.”

reflect a deliberate choice to target “grass roots” populist and libertarian reformist elements on both the political left and right.

2013-2014: Most Recent Article V Convention Developments

Since the “ConConCon” of 2011, a number of new developments indicate continued growing interest in an Article V Convention, particularly an amendment or amendments requiring a balanced federal budget and/or limits on the federal debt.

Ohio Legislature Applies for an Article V Convention, November 2013

On November 20, 2013, the Ohio legislature approved an application for an Article V Convention to consider an amendment requiring a balanced federal budget except in wartime or instances of declared national emergency.²⁶ This action came after three decades of comparative inactivity in the states and was the first fresh-start application filed by a state since that of the Missouri legislature in 1982.

Ohio’s action brings the number of states that have applied for a convention for this specific purpose to 33, one short of the two-thirds threshold set in the Constitution. Between 1975 and 1983, the legislatures of 32 states submitted applications for an Article V Convention to consider an amendment requiring a balanced federal budget except in times of national emergency.²⁷ Some observers maintain that state applications remain valid indefinitely, while others claim that state applications expire after some length of time, so that Ohio’s application brings the total to 33, one short of the constitutional requirement. Other observers disagree, however, claiming that state applications have only a limited lifespan; by this reasoning, most or all the previous applications have expired and are invalid, so the Ohio application should not be aggregated with the earlier ones, but must be considered as first of a new series.²⁸

A further complicating factor centers on state actions rescinding their previous applications for a balanced budget amendment convention. In the years following the convention movement’s high water mark in 1982, nine states rescinded their applications for an Article V Convention; subsequently, however, three of the states that rescinded have since filed fresh applications.²⁹ This issue turns on the question of whether states have the right to rescind their applications for an

²⁶ S.J. Res. 5, 130th Ohio General Assembly, at http://www.legislature.state.oh.us/res.cfm?ID=130_SJR_5. The resolution also called on Congress to propose a balanced budget amendment to the states, a format previously employed widely in other past state applications.

²⁷ For additional information consult CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale, pp. 12-14.

²⁸ A shelf life of two, four, or seven years has been suggested, but other observers claim that state applications have no expiration date. For additional information on this question, consult CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale, p. 18.

²⁹ According to the Friends of the Article V Convention’s web site, between 1988 and 2010, Alabama, Arizona, Florida, Georgia, Idaho, Louisiana, Montana, New Hampshire, Nevada, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, and Wyoming rescinded Article V applications. In recent years, however, Alabama, Florida, and New Hampshire have submitted fresh applications for a convention to consider a balanced budget amendment. The author gratefully credits Gregory Watson, Legislative Assistant with the Texas Legislature for his assistance in verifying this list.

Article V Convention. Here again, proponents of the convention device deny their ability to do so, while others argue to the contrary.³⁰

Depending on the observer's position on the questions of timeliness and rescission, Ohio could be the 33rd state to apply for an Article V Convention to propose a balanced budget amendment, or it could be the 27th, or the fourth, or conceivably only the first.

"Mount Vernon Conference," December 2013

In a related development, a group of 100 state legislators met on December 7, 2013, at the National Library for the Study of George Washington on the grounds of the Mount Vernon estate in Virginia, to discuss organizing for a projected Article V Convention. It is unclear whether the conference organizers intended a comparison to the Mount Vernon Conference of 1785, a meeting of Maryland and Virginia delegates that was a precursor to the Philadelphia Constitutional Convention.³¹

According to one press account, "The purpose of the meeting is to discuss and draft an agenda for a 'Convention of the States' for the sole purpose of writing the rules that would govern any Article V Conventions for proposing amendments, a so-called constitutional convention."³² Another report identified Convention of States (COS) as the primary stimulus for the meeting. Convention of States is a project of Citizens for Self Governance, an advocacy group whose self-described goal is "to take power away from big government and the big money that influences it... and return the power to its rightful owners, the people..." and "enable the conservative grassroots to restore our country to a republic with effective self-governance."³³ According to COS, the movement's ultimate objective is to call an Article V Convention that would address a particular subject, rather than a specific amendment, in this case, issues related to "limit[ing] the power and jurisdiction of the federal government." According to their argument, this would then allow a convention to consider amendments in other related issues (e.g., term limits and tax reform).³⁴

³⁰ Dwight Connely, "Amending the Constitution: Is This any Way to Call for a Constitutional Convention?" *Arizona Law Review*, volume 22, issue 4, 1980, pp. 1033-1034.

³¹ The organizers may have intended to draw a connection with the original Mount Vernon Conference of 1785, at which representatives from Maryland and Virginia negotiated an agreement settling outstanding issues concerning fisheries, commerce, and navigation in the Potomac River and Chesapeake Bay. George Washington presided. In addition to negotiating a compact settling these issues, other states were invited to attend a conference on commercial issues at Annapolis the following year. The Annapolis Convention of 1786, attended by representatives of six states, in turn issued the call for the Philadelphia Constitutional Convention of 1787.

³² Nikki Kelly, "Long Pushes Mount Vernon Assembly," *Journalgazette.net* (Fort Wayne, IN), November 145, 2013, at <http://www.journalgazette.net/article/20131114/LOCAL0202/131119679>.

³³ Citizens for Self Governance, "About Citizens for Self Governance/Mission" at <http://selfgovern.com/about/>.

³⁴ Convention of States, "News," Citizen's Toolkit, Frequently Asked Questions, at <http://www.conventionofstates.com/news/looking-back-moving-forward>.

Compact for America's Compact for a Balanced Budget Amendment: A "Turn-Key" Plan for an Article V Convention³⁵

A different approach to the Article V Convention question was advanced in 2013 by the Compact for America, CFA. The Compact for America is an advocacy group initially launched by the Goldwater Institute,³⁶ a public policy organization which identifies its focus as research oriented to individual rights, the free market economy, and limited constitutional government;³⁷ CFA currently identifies itself as a domestic non-profit "501(c)4" corporation registered in Texas.³⁸ The organization's program is comprised of the Compact for a Balanced Budget Amendment ("the Compact"), a proposed interstate compact, which, in the institute's words, would transform "the otherwise cumbersome state-initiated amendment process under Article V into a 'turn-key' operation."³⁹ The Compact includes a comprehensive program that, in the opinion of its advocates, meets all the requirements necessary to

- apply for and convene a convention;
- provide rules and operating procedures for the convention;
- convene the convention;
- present, approve, and propose a pre-drafted amendment for transmission to the states; and
- provide for prospective state ratification of the amendment.

The single action of the requisite number of states in agreeing to the Compact would, its proponents argue, set in motion the convention process and carry it through to successful ratification and incorporation as part of the Constitution. Proponents of the Compact maintain that the interstate compact device would speed up the Article V Convention process, so that a convention could be called, convened, and adjourned and an amendment proposed and ratified within 12 months.⁴⁰

The Compact seeks to anticipate and prescribe procedures for various elements in the Article V Convention process. States that agree to the Compact would simultaneously agree to its various requirements. A state's act of agreement to the Compact would constitute its application for an Article V Convention, the sole purpose of which would be to propose an amendment whose text is prescribed in the Compact. Participating states also agree to observe the Compact's provisions governing the convention's composition and rules of procedure. Finally, by agreeing to the

³⁵ The author extends grateful thanks and credit to CRS Legislative Attorney Kathleen S. Swendiman, kswendiman@crs.loc.gov, 7-9105, who prepared much of the section dealing with interstate compacts.

³⁶ The institute is named for the late Barry M. Goldwater, Arizona Senator from 1953-1965 and 1968-1987, and Republican nominee for President in 1964.

³⁷ "Liberty and Justice for All," Goldwater Institute, at <http://goldwaterinstitute.org/institute>.

³⁸ [CompactforAmerica.org](http://compactforamerica.org), "About," at <http://www.compactforamerica.org/about-2/>.

³⁹ The Compact for America was endorsed by the American Legislative Exchange Council's Board of Directors on January 28, 2013. See <http://www.alec.org/model-legislation/resolution-to-effectuate-the-compact-for-america/>.

⁴⁰ Goldwater Institute, Compact for America, Statement of Nick Dranias, November 20, 2013, at <http://goldwaterinstitute.org/article/compact-america>.

Compact, states also commit themselves to “prospective” ratification of the proposed amendment.⁴¹

The keystone element of the Compact is the “Balanced Budget Amendment” that would be proposed by the convention. Among its major elements, the amendment would

- provide for a balanced federal budget at all times, unless any deficit is financed by debt issued in conformity with the amendment’s requirements;
- set a ceiling for federal debt equal to 105% of the outstanding debt at the time the amendment takes effect;
- require that any increase in the federal debt ceiling proposed by Congress must be submitted to the states and approved by a simple majority (26, assuming the District of Columbia and the territories are excluded) of state legislatures within 60 days before taking effect;
- require the President to ensure that the debt ceiling is not exceeded by proposing the impoundment of specific expenditures sufficient to prevent the breach. The President’s impoundments would become effective in 30 days unless Congress proposed alternatives of the same or greater amount;
- specify that the President’s failure to designate or enforce such impoundments would be an impeachable misdemeanor; and
- require that any new or increased tax revenue tax legislation be approved by two-thirds of the full membership of the Senate and House of Representatives on a roll call vote.

The Compact includes other noteworthy provisions. It would establish an ongoing Compact Commission which would promote the convention, encourage states to join, and “coordinate the performance of obligations (presumably of signatory states) under the Compact,” among other things. It would set the size of convention delegations as one delegate per member state, and specifies that the governor of each member state would serve as the state’s delegate, contingent on the governor’s taking a leave of absence from state duties. The convention would last one day, and its sole duty would be to introduce, debate, vote upon, and reject or propose for ratification the specific text of the Balanced Budget Amendment described above.⁴²

As part of the compact initiative, the CFA has also drafted model legislation for a concurrent resolution that could be used by Congress to call the convention. Title I of the model resolution also includes the text of the proposed amendment and would establish procedures governing the form of the convention, delegate appointment, convention rules of procedure, and provisions governing congressional referral of the proposed amendment to the states. Title II of the resolution would refer the Balanced Budget Amendment proposed by the convention to the state legislatures for ratification.⁴³

⁴¹ Ibid., “Compact for State Legislators,” at <http://goldwaterinstitute.org/article/compact-america>.

⁴² Goldwater Institute Web Site, “Compact for a Balanced Budget,” at <http://goldwaterinstitute.org/sites/default/files/CFA-Text-Compact%20for%20a%20Balanced%20Budget%20Final%20%282%29.pdf>.

⁴³ Goldwater Institute Web Site, “Omnibus Concurrent Resolution,” at <http://www.compactforamerica.org/wp-content/uploads/CFA-Text-Congressional-Omnibus-Resolution.pdf>.

Compact for a Balanced Budget Amendment: An Interstate Compact under the Constitution

The Compact for a Balanced Budget Amendment is self-identified as an interstate compact. As such, it falls under the authority of Article I, Section 10, clause 3 of the Constitution, which states that, “No State shall, without the Consent of the Congress ... enter into any Agreement or compact with another State....” This provision is known as the “Compact Clause,” and it is the only section of the United States Constitution that deals with formal agreements between and among the states. The Compact Clause reflects the view of the Framers that states should be able to work cooperatively together, as well as the concern that unchecked interstate alliances might threaten the harmony of the Union or the authority vested by the Constitution in the federal government.⁴⁴ The compact clause was originally included in the Constitution primarily to govern boundary agreements between states, but it has subsequently evolved “as an instrument for state cooperation in carrying out affirmative programs for common problems.”⁴⁵

The Constitution places no limits on what might be done through an interstate compact other than the requirement of congressional consent. In the early years of government under the Constitution, they were used almost exclusively to settle boundary disputes. Beginning with the establishment of the Port of New York Authority⁴⁶ in 1921, however, compacts began to be used to address more complex, regional issues requiring intergovernmental cooperation. Some compacts are merely advisory in form, but others may be regulatory, with significant powers granted to multi-state commissions.⁴⁷ More recently, compacts have addressed such wide-ranging concerns as mental health treatment, law enforcement and crime control, education, driver licensing and enforcement, environmental conservation, energy, nuclear waste control, facilities operations, transportation, economic development, insurance regulation, placement of children and juveniles, disaster assistance, and pollution control. There are approximately 200 interstate compacts in effect today.⁴⁸

Even though the Compact Clause specifically provides for congressional consent, the United States Supreme Court declined, in 1893, in *Virginia v. Tennessee*,⁴⁹ to read the consent requirement literally, so as to apply to each and every agreement between states. “There are many matters upon which different States may agree that can in no respect concern the United States,” such as joint actions between states to fight disease.⁵⁰ Thus the Court held that the Framers

⁴⁴ Michael L. Buenger and Richard L. Masters, “The Interstate Compact on Adult Offender Supervision: Using Old Tools to Solve New Problems,” *Roger Williams Law Review*, v. 9, issue 1, fall 2003, pp.71, 85.

⁴⁵ U.S. Constitution Annotated, Article I, Section 10, clause 3 at <http://www.crs.gov/conan/default.aspx?mode=topic&doc=Article01.xml&t=3|2&s=10&c=3>.

⁴⁶ 1921 N.Y. Laws Ch. 154; N.J. Laws Ch. 151; 42 Stat 174 (1921).

⁴⁷ Administrators under compacts with congressional compacts with congressional consent may have the power to promulgate rules and regulations, and may also review federal agency action under certain circumstances. See *Seattle Master Builders Assn. v. Pacific Northwest Elec. Power*, 786 F.2d 1359, 1362 (9th Cir. 1986).

⁴⁸ The Council of State Governments, National Center for Interstate Compacts (NCIC), at <http://www.csg.org/programs/ncic/default.aspx>. The NCIC website includes a database of current interstate compacts searchable by state, name of compact, and subject.

⁴⁹ 148 U.S. 503 (1893). It may also be noted that this case involved a boundary agreement between Virginia and Tennessee early in the 19th century that had never obtained formal congressional consent. The court held that, over the years, Congress had relied upon the terms of the compact for judicial and revenue purposes and thus had impliedly consented to the interstate compact.

⁵⁰ *Ibid.*, 518. For an analysis of whether congressional consent may or may not be required for the proposed National (continued...)

intended this requirement to apply only to compacts “directed to the formation of any combination tending to the increase of political power in the States, which may encroach upon or interfere with the just supremacy of the United States.”⁵¹ States may enter into agreements among themselves, and congressional consent will not be required, so long as the agreements do not infringe on federal interests or shift the balance of power within the federal system of government.⁵² It should, however, be noted that the consent power of Congress is absolute. Congress can require consent to any interstate compact, and can deny consent to any interstate compact if it so chooses.⁵³

Usually congressional consent to an interstate compact takes the form of a joint resolution or act of Congress specifying its approval of the text of the compact, adding any conditions or provisions it deems necessary, and often embodying the compact document. As with any congressional enactment, it must be signed by the President before it becomes law.⁵⁴ Very rarely has the President vetoed or threatened to veto consent legislation by Congress.⁵⁵ While congressional consent to an interstate compact is most often explicit, consent by Congress may also be implied by subsequent acts of Congress: “An inference clear and satisfactory that Congress ... intended to consent” to a compact may be sufficient.⁵⁶ Congress may also delegate its power to approve a compact to a federal official so long as an “intelligible principle” against which approval can be measured is apparent.⁵⁷

In addition, Congress can condition its consent to require that the proposed interstate compact be changed to meet congressional criteria, or contain specific provisions.⁵⁸ The Supreme Court, in

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Popular Vote Compact, see Heather Green, “The National Popular Vote Compact: Horizontal Federalism and the Proper Role of Congress Under the Compact Clause,” *Chapman Law Review*, vol. 16, spring 2012, p.16.

⁵¹ *Ibid.*, 519.

⁵² See *Cuyler v. Adams*, 449 U.S. 433, 440 (1981), where the Court stated that if an agreement is not “directed to the formation of any combination tending to increase the political power of the States, which may encroach upon or interfere with the just supremacy of the United States,” it does not require congressional consent to be valid.

⁵³ This may be true even where affirmative consent is not necessary. *St. Louis & San Francisco Ry. Co. v. James*, 161 U.S. 545 (1896); *Petty v. Tennessee-Missouri Bridge Commission*, 359 U.S. 275 (1959). See also *Cuyler v. Adams*, 449 U.S. 433 (1981), where the Court deferred to Congress’s political judgment that the Interstate Agreement on Detainers was to be treated as a compact pursuant to the Compact Clause even if the Constitution did not require such treatment. Justice White noted that the “requirement that Congress approve a compact is to obtain its political judgment.” *Cuyler*, at 441, n. 8 (White, J., joined by Blackmun, J., dissenting).

⁵⁴ See *Metropolitan Wash. Airports Auth. v. Citizens for Abatement of Aircraft Noise*, 501 U.S. 252, 276 & n.21 (1991). “If the power is legislative, Congress must exercise it in conformity with the bicameralism and presentment requirements of Art. I, § 7.” See, also, footnote 21 of that decision, wherein Justice Stevens, concurring in the judgment, cites several provisions in the Constitution which permit Congress or a part of Congress to take some actions without complying with the bicameral and presentment requirements of Art. I, § 7. While the Justice’s list may not be all inclusive, it is noted that the Compact Clause is not included.

⁵⁵ In 1942, President Roosevelt vetoed the Republican River Compact, stating that it “seeks to withdraw the jurisdiction of the United States over the waters of the Republican Basin for purposes of navigation.” *Congressional Record*, v. 87, pt. 3, April 2, 1941, pp. 3285-86. He did, however, sign a later, modified version of the compact. See 57 Stat. 86. Joseph F. Zimmerman, *Interstate Cooperation: Compacts & Administrative Agreements*, 2nd ed. (Albany, NY: State University of New York Press, 2012), p. 56.

⁵⁶ *Virginia v. West Virginia*, 78 U.S. 39, 60 (1870). Congressional consent “is always to be implied when Congress adopts the particular act by sanctioning its objects and aiding in enforcing them . . .” *Virginia v. Tennessee*, 148 U.S. 503, 521 (1893).

⁵⁷ *Milk Indus. Found. v. Glickman*, 132 F.3d 1467, 1471 (D.C. Cir. 1998).

⁵⁸ Chief Justice Charles Evans Hughes wrote in *James v. Dravo Contracting Company*, 302 U.S. 134, 138 (1937): “It (continued...)”

Cuyler v. Adams, stated that, “(b)y vesting in Congress the power to grant or withhold consent, or to condition consent on the States’ compliance with specified conditions, the Framers sought to ensure that Congress would maintain ultimate supervisory power over cooperative state action that might otherwise interfere with the full and free exercise of federal authority.”⁵⁹

The Interstate Compact for a Balance Budget Amendment would require congressional approval under the Compact Clause because it proposes actions that would redefine, via a constitutional amendment, Congress’s taxing and spending authority, arguably shifting the balance of power within the federal system of government. CFA’s available promotional literature does not appear to acknowledge explicitly the need for congressional approval, but Nick Dranias, the Goldwater Institute’s Constitutional Policy Director, and perhaps the best-known advocate of the Compact for America and its Compact for a Balanced Budget Amendment, has suggested as much. In one account he writes, “[t]he agreement (Compact for America) is designed to be ‘blessed’ by a counterpart congressional resolution, *which consents to the compact* (emphasis added) and completely fulfills Congress’ role in the state-initiated Article V process—from the call for the convention, to the ultimate ratification referral of the proposed amendment.”⁶⁰ In one of its supporting documents, CFA makes another indirect reference to the congressional approval requirement:

Moreover, because no member state may attend the convention until Congress adopts the counterpart omnibus concurrent resolution, which calls the convention in accordance with the CFA, the CFA’s safeguards will also have the status of the “Law of the United States” under current precedent interpreting the effect of Congressional approval of interstate compacts.⁶¹

If the Interstate Compact for a Balanced Budget Amendment were to be approved by Congress via a concurrent resolution without presentment to the President, it would likely be challenged as unconstitutional. As noted above, congressional approval of interstate compacts, along with any conditions attached to such approval, generally takes the form of a legislative bill, usually a joint resolution, which becomes law when signed by the President. A concurrent resolution which does not include presentment may be found by the courts to fall short of the requirement of congressional approval under the Compact Clause.⁶²

Reaction to the Compact for a Balanced Budget

In its early announcements, Compact for America, the Compact’s sponsoring organization, initially suggested that quick approval by the 38 state legislatures required by the plan could lead to a convention and subsequent ratification of the amendment as early as July 4, 2013, due to the

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can hardly be doubted that in giving consent Congress may impose conditions.”

⁵⁹ *Cuyler v. Adams*, 449 U.S. 433, 439-440 (1981).

⁶⁰ *Constitution Daily*, “Fulfilling the Promise of Article V with an Interstate Compact,” December 6, 2013, at <http://blog.constitutioncenter.org/2013/12/fulfilling-the-promise-of-article-v-with-an-interstate-compact/>.

⁶¹ Nick Dranias, “Legal Brief: The Compact for America’s Laser-Focused Article V Convention is Clearly Constitutional,” Compact for America, February 22, 2013, at <http://www.compactforamerica.org/legal-brief-the-compact-for-americas-laser-focused-article-v-convention-is-clearly-constitutional/>.

⁶² *Metropolitan Wash. Airports Auth. v. Citizens for Abatement of Aircraft Noise*, 501 U.S. 252, 276 (1991). See also *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983).

“prospective” ratification process embedded in the compact. The only identifiable state legislative action to date, however, appears to have been by the Rules Committee of the Arizona House of Representatives, which rejected a bill incorporating the Compact in February 2013.⁶³

Although the Compact does not appear to have generated widespread coverage in major national newspapers, broadcast or cable media, or in academic journals, it has attracted considerable reaction, largely posted on the Internet.

Among its supporters, as noted earlier, is the Goldwater Institute, which sponsored CFA, the organization that developed the Compact. In addition, the Board of Directors of the American Legislative Exchange Council, ALEC, approved a resolution offering the Compact as model legislation in January 2013.⁶⁴ Cato Institute⁶⁵ senior fellow in constitutional studies Ilya Shapiro also declared his support in a Cato blog posting in which the author asserted that “the Compact for America would powerfully check and balance Washington’s debt addicts.”⁶⁶ In its literature, Compact for America also lists a number of Members of Congress and other public figures who support the Compact for a Balanced Budget Amendment.⁶⁷

Other organizations have criticized the Compact, however. The conservative John Birch Society, which opposes an Article V Convention on the grounds that a runaway convention could damage the Constitution, also opposes the Compact for a Balanced Budget Amendment on the same grounds. In addition, the society’s journal, *The New American*, asserted the CFA’s balanced budget amendment would “grant the President new, sweeping authority over the budget-making process. Furthermore, giving the President the right to ‘designate’ any spending request is tantamount to giving him the power to rewrite laws passed by Congress, which would amount to rewriting both Articles I and II of the Constitution.”⁶⁸ Bill Walker, co-founder of Friends of the Article V Convention, and one of the earliest contemporary supporters of the convention concept, strongly opposed CFA on several grounds in a monograph posted on the FOAVC website. He claimed that CFA would be an improper use of the interstate compact device, since it seeks effectively to circumvent the amendment process as established in Article V and would adversely impact the balance of power among the various branches built into the Constitution. He further criticized the proposal on the grounds that by reducing the convention to a “turn-key” process, it would reduce what the founders envisioned as a deliberative effort to a clockwork series of events with pre-ordained outcomes. In his critique, he asserted that the Compact would ignore the founders’ vision of the Article V Convention as a deliberative assembly, that debate and amendment in the convention would be prohibited, that Congress would be deprived of any

⁶³ “Compact for America Dies, Legality Questioned,” *Arizona Daily Independent*, February 20, 2013, at <http://www.arizonadailyindependent.com/2013/02/20/compact-for-america-dies-legality-questioned/>.

⁶⁴ <http://www.alec.org/model-legislation/resolution-to-effectuate-the-compact-for-america/>.

⁶⁵ The Cato Institute, based in Washington, describes itself as a “public policy research organization—a think tank—dedicated to the principles of individual liberty, limited government, free markets and peace.” See <http://www.cato.org/about>.

⁶⁶ Ilya Shapiro, “A Compact for America to Reign in Government,” Cato Institute, *At Liberty*, January 4, 2103, at <http://www.cato.org/blog/compact-america-rein-government>.

⁶⁷ “Compact for America’s ‘Article V 2.0’ Turn-Key Approach is Our Best Shot,” Compact for America website, at <http://goldwaterinstitute.org/sites/default/files/CFA-Fact%20Sheet%20Turn%20Key%20Article%20V%20Approach%20to%20Reforming%20Washington.pdf>.

⁶⁸ Joe Wolverton, II, “How the Compact for America Threatens the Constitution,” *The New American*, January 10, 2013, at <http://www.thenewamerican.com/usnews/constitution/item/14109-how-the-compact-for-america-threatens-the-constitution>.

discretion with respect to proposing the amendment, and the states would be locked in to a prospective ratification without the chance for debate or reconsideration.⁶⁹

From the standpoint of Congress and its role in the Article V Convention process, the Compact presents certain issues for consideration. First, its literature appears to presume congressional approval of the interstate compact providing for a Balanced Budget Amendment via a concurrent resolution. As noted previously, however, a concurrent resolution which does not include presentment to the President may be found by the courts to fall short of the congressional approval requirement of Article I, Section 10, clause 1 of the Constitution. Second, by approving the resolution, Congress would presumably agree to its “turn-key” design, effectively waiving any claim to further authority for setting the convention’s mandate, form, or procedures; determining whether the amendment should be proposed to the states; and selecting the ratification process, that is, whether by the state legislatures or ad hoc convention, as explicitly provided in Article V. The role and responsibilities of Congress in the Article V Convention process are examined at greater length in the next section of this report.

The Role of Congress in the Article V Convention Process

The state legislatures are indispensable actors in the process of proposing an Article V Convention—nothing can happen unless 34 or more apply, but Congress is equally indispensable in the process of summoning, convening, and by its own assertion, defining, one. The Constitution, with characteristic economy of phrase, simply directs that “Congress ... on the application of the Legislatures of two thirds of the several States, shall call a Convention for the proposing of Amendments....” Beyond the language of Article V, however, observers have identified subsidiary issues for consideration by Congress, of which three may arguably be most important:

- Is Congress obligated to call an Article V Convention on the receipt of sufficient state applications?
- What sort of convention does Article V authorize?
- If an Article V Convention proposes amendments, does Congress have any discretion as to whether they must be submitted to the states for consideration?

Is Congress Required to Call a Convention?

The language of the Constitution is notably straightforward on Congress’s duty to call an Article V Convention: “... on the Application of the Legislatures of two thirds of the several States, [Congress] *shall* call a Convention for proposing Amendments.... (emphasis added)” The founders’ intentions seem unmistakable, and no less an authority than Alexander Hamilton wrote emphatically that, once the two-thirds threshold is met, “the Congress will be obliged ... to call a convention for proposing amendments.... The words of this article are peremptory. The Congress

⁶⁹ Bill Walker, “The Diabolical Plot of ‘Compact for America’ A Blueprint for Disaster,” undated, FOAVC website at <http://www.foavc.org/reference/file48.pdf>.

‘shall call a convention.’ *Nothing in this particular is left to the discretion of that body* (emphasis added). And of consequence, all the declamation of disinclination to a change vanishes in air.”⁷⁰ One scholar, Russell L. Caplan, noted that, “[t]he founding generation spoke with one voice on this duty,” going on to quote the writings of John Marshall, James Iredell, John Dickinson, and James Madison in which they all asserted the obligation of Congress to call a convention once the two-thirds threshold has been passed.⁷¹

Given the founders’ stern injunctions, on what grounds could Congress decline to call a convention? Several factors concerning state applications might be used to represent state applications as defective, and therefore not valid. For instance, most constitutional scholars hold that applications proposing a specifically worded amendment are invalid. As one observer noted, “these resolutions seek to make the ‘Convention’ part of the *ratifying* (emphasis in the original) process, rather than part of the deliberative process for “proposing” constitutional amendments.... they are applications for a convention empowered solely to approve or disapprove the submission to the states of particular amendments ‘proposed’ elsewhere.”⁷² Another reason for hesitation in calling an Article V Convention centers on the great issue of its scope — general versus limited. A further potential impediment is lack of contemporaneity, in other words, an application or applications have expired and no longer have any force. It should be noted, however, that the advocacy group, Friends of the Article V Convention, holds that state applications never expire.⁷³ Similarly, a 2010 study by the Goldwater Institute on the Article V Convention asserts that Congress’s role in the convention process is purely ministerial, or clerical:

Congress acts primarily as the legislatures’ agent. From the nature of that role it follows that Congress may not impose rules of its own on the states or on the convention. For example, it may not limit the period within which states must apply. Time limits are for principals, not agents to impose: if a state legislature believes its application to be stale, that legislature may rescind it.⁷⁴

Cyril Brickfield, reporting to the House Judiciary Committee in 1957, suggested that Congress was, arguably, *not* required to summon an Article V Convention on the presentation of the requisite number of state applications: “[i]t is doubtful, however, that there is any process or machinery by which the [C]ongress could be *compelled* (emphasis added) to perform this duty.”⁷⁵ In support of this assertion, he cited as precedent the failure of Congress in 1920 to carry out its constitutionally mandated duty to reapportion the House of Representatives.⁷⁶ Congress, he noted,

⁷⁰ Alexander Hamilton, in *The Federalist*, Number 85, “Conclusion,” (Cambridge, MA: the Belknap Press of Harvard University Press, 1961), p. 546.

⁷¹ Russell L. Caplan, *Constitutional Brinksmanship, Amending the Constitution by National Convention* (New York: Oxford University Press, 1988) pp. 115-117.

⁷² Arthur Earl Bonfield, “Proposing Constitutional Amendments by Convention: Some Problems,” *Notre Dame Law Review*, volume, 39, 1963-1964, pp.662-663.

⁷³ Friends of the Article V Convention, “What Does Contemporaneous Mean as It Relates to Counting Applications,” available at <http://www.foavc.org/mod/resource/view.php?id=2>.

⁷⁴ Robert G. Natelson, *Amending the Constitution by Convention: A Complete View of the Founders’ Plan*, Goldwater Institute, Policy Report Number 241, September 16, 2010. p. 21. The Goldwater Institute is a public policy research institute, the self-identified focus of which is policy research oriented to individual rights, the free market economy and limited constitutional government.

⁷⁵ U.S Congress, House of Representatives, Committee on the Judiciary, *Problems Relating to a Federal Constitutional Convention*, by Cyril F. Brickfield, 85th Congress, 1st sess., Committee Print (Washington: GPO, 1957), p. 27.

⁷⁶ See U.S. Constitution, Article I, Section 2, clause 3, and Amendment 14, Section 2.

had the mandate to perform, but “its failure of refusal to do so apparently gives rise to no enforceable (sic) cause of action.”⁷⁷

Still another option potentially available is preemption of the call for a convention. Supporters of this tactic maintain that Congress can legally respond to the applications of the states by proposing its own relevant amendment. During the 1980s campaign for a balanced budget amendment convention, the National Taxpayers’ Union asserted that the call for a convention was, “just a way of getting attention — something akin to batting a mule with a board.”⁷⁸ In defense of this argument, the House Judiciary Committee’s 1993 print, *Is There a Constitutional Convention in America’s Future?*, noted that during the 1980s, a number of states had forwarded conditional applications that specifically stated their applications would be canceled in the event Congress proposed a balanced budget amendment incorporating the general principles included therein.⁷⁹

Ultimately, it is difficult to conceive that Congress would fail to heed the deliberate call of a substantial majority of the nation’s citizens, acting through the agency of their state legislatures, and meeting the clearly stated requirements of Article V. As Cyril Brickfield noted, in the final analysis, “[p]ublic opinion and, ultimately, the ballot box are the only realistic means by which the Congress can be persuaded to act.”⁸⁰ The House Judiciary Committee speculated that congressional failure to call a convention might trigger court challenges that could lead to a constitutional crisis,⁸¹ but another legal scholar wrote that, “[e]ven conceding the reach of the judicial power as exercised these days, I find it difficult to believe that the Supreme Court would issue an order compelling Congress to carry out a duty which can hardly be called a simple ministerial duty, or would, in the alternative, take it upon itself to prescribe the procedures for a convention. I much prefer to rely on the integrity of Congress in carrying out a constitutional duty.”⁸²

What Sort of Convention Does Article V Authorize?

One of the weightiest issues Congress would face when considering an Article V Convention turns on the question of what sort of convention is contemplated by the Constitution. What did the founders envision when they drafted this clause of the Constitution? Commentators have generally suggested three alternative models for the Article V Convention: the general convention; the limited convention; and the runaway convention, actually a subset of the limited convention. A general convention would be free to consider any and all additions to the Constitution, as well as alterations to existing constitutional provisions. A limited convention would be restricted in its “call” or authorizing legislation to consideration of a single issue, or group of issues, as specified by the states in their applications. The third model is a much-cited subset of the limited convention, the runaway convention, an assembly that departs from its

⁷⁷ Brickfield, *Problems Relating to a Federal Constitutional Convention*, p. 27.

⁷⁸ *Baltimore Evening Sun*, March 11, 1983; quoted in *Is There a Constitutional Convention in America’s Future?*, p. 13.

⁷⁹ *Ibid.* For additional information on conditional state applications, see CRS Report R2592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale, pp. 17-18.

⁸⁰ Brickfield, *Problems Relating to a Federal Constitutional Convention*, p. 28.

⁸¹ *Is There a Constitutional Convention in America’s Future?*, p. 14.

⁸² Paul G. Kaupfer, “The Alternative Amendment Process: Some Observations,” *Michigan Law Review*, volume 66, issue 5, March 1967-1968 (sic), pp. 905-906.

mandate to address a wide range of issues that had supposedly been beyond its purview. Each of these alternative models has had its proponents and detractors over the years.

The General Convention

Supporters of a general convention note that the language of Article V is broadly inclusive: "... on the Application of the Legislatures of two thirds of the several States, [Congress] shall call a Convention for proposing *Amendments* (emphasis added)...." They assert that the article places no limitation on the number or scope of amendments that would be within a convention's purview. Constitutional scholar Charles Black offered emphatic support of this viewpoint: "I believe that, in Article V, the words 'a Convention for proposing such amendments' mean 'a convention for proposing such amendments as that convention decides to propose.'"⁸³ In fact, he went on to assert that limited conventions would be constitutionally impermissible for the reason that no language is found in Article V that authorizes them:

It (Article V) does *not* (emphasis in the original) imply that a convention summoned for the purpose of dealing with electoral malapportionment⁸⁴ may kick over the traces and emit proposals dealing with other subjects. It implies something much more fundamental than that; it implies that Congress cannot be obligated, no matter how many States ask for it, to summon a convention for the limited purposed of dealing with electoral apportionment alone, and that such a convention would have no constitutional standing at all.⁸⁵

Consequently, by this reasoning, the many hundreds of state applications for a convention to consider amendments on a particular subject are null and void. Moreover, Professor Black noted that state applications demanding a convention on a single issue were almost unknown in the 19th century; he described the phenomenon as "... a child of the *twentieth century* (emphasis in the original).... The twentieth century petitions, embodying this theory, are on the point of law implicitly resolved by them, nothing but self-serving declarations, assertions of their own power by the state legislatures."⁸⁶

Writing at the height of debate over the 1980s campaign for an Article V Convention to consider a balanced budget amendment, former Solicitor General Walter Dellinger asserted that the Framers deliberately sought to provide a means of amending the Constitution that is insulated from excessive influence by either the state legislatures, or by Congress.⁸⁷ His view of the convention's authority is among the most expansive advanced by commentators on the Article V Convention:

⁸³ Charles Black, "Amending the Constitution: A Letter to a Congressman," *Yale Law Journal*, volume 82, number 2, December 1972, p. 199.

⁸⁴ Professor Black was writing in the context of the Article V Convention campaign to overturn the Supreme Court decision in *Reynolds v. Simms*, 377 U.S. 553 (1964) and *Wesberry V. Sanders*, 376 U.S. 1 (1964), which extended the "one-person, one vote" requirement respectively to state legislative districts and congressional districts, ruling that the population of both jurisdictions must be substantively equal.

⁸⁵ Black, "Amending the Constitution: A Letter to a Congressman," p. 199.

⁸⁶ *Ibid.*, p. 203.

⁸⁷ See Walter E. Dellinger, "The Recurring Question of the 'Limited' Constitutional Convention," *Yale Law Journal*, volume 88, issue 8, July 1979, pp. 1623-1640.

... any new constitutional convention must have the authority to study, debate, and submit to the states for ratification *whatever amendments it considers appropriate* (emphasis added).⁸⁸

According to his judgment, an Article V Convention must be free to pursue any issue it pleases, notwithstanding the limitations included in either state applications or the congressional summons by which it was called:

If the legislatures of thirty-four states request Congress to call a general constitutional convention, Congress has a constitutional duty to summon such a convention. If those thirty-four states recommend in their applications that the convention consider only a particular subject, Congress still must call a convention and leave to the convention the ultimate determination of the agenda and the nature of the amendments it may choose to propose.⁸⁹

More recently, Michael Stokes Paulsen invoked original intent and the founders' understanding of such a gathering. Asserting that they would have considered a "convention" to be a body that enjoyed broad powers, similar to the Constitutional Convention itself, he suggests:

"Convention" had a familiar ... public meaning in 1787. It referred to a deliberative political body representing the people, as it were, "out of doors." Representatives or delegates to such a convention might well operate to some extent pursuant to "instructions" of the people thus represented, but a convention was not a pass-through or a cipher, but rather an agency — a deliberative political body."⁹⁰

Perhaps the most assertive expression of the open or general convention argument centers on the doctrine of "conventional sovereignty:"

According to this theory, a convention is, in effect, a premier assembly of the people, a representative body charged by the people with the duty of framing the basic law of the land, for which purpose there devolves upon it all the power which the people themselves possess. In short, that for the particular business of amending and revising our Constitution, the convention is possessed of sovereign powers and therefore is supreme to all other Government branches or agencies."⁹¹

Another school of thought, cited by the House Judiciary Committee in a 1957 study, rejects the conventional sovereignty argument, primarily on the grounds that an Article V Convention can only be summoned subject to the conditions of the Constitution:

... those who assert the right of the Congress to bind a convention contend that the convention is, in no proper sense of the term, a sovereign. It is, they argue, but an agency employed by the people to institute or revise fundamental law. While there may be a special dignity attaching to a convention by reason of its framing fundamental law, no such dignity or power should attach which would invest it with a primacy over other branches of government having equally responsible functions.⁹²

⁸⁸ Ibid., p. 1624.

⁸⁹ Ibid., p. 1640.

⁹⁰ Michael Stokes Paulsen, "How to Count to Thirty-Four: The Constitutional Case for a Constitutional Convention," *Harvard Journal of Law and Public Policy*, volume 34, issue 3, 2011, p. 842.

⁹¹ Brickfield, *Problems Relating to a Federal Constitutional Convention*, 16.

⁹² Ibid.

Writing in *Constitutional Brinkmanship*, Russell Caplan further noted the example that contemporary state conventions called to propose constitutional amendments tended to exceed their mandates unless they had been strictly limited:

The trend toward aggrandizement of power at a convention is supported by modern experience in the states. When delegates are presented with the choice of writing a new constitution or submitting a number of amendments to the existing document, they have exhibited a desire to become part of history by framing a new constitution.⁹³

Defenders of the general convention counter opponents by asserting that the founders included ample checks on the work of a general or unlimited convention: first, any proposed amendment or amendments would face the same requirement of approval by three-fourths of the states, and second, Congress is empowered to choose whether such amendments will be considered by the state legislatures or special-purpose ratification conventions. In the final analysis, they assert, “a convention can only *propose* (emphasis in the original) amendments, not ratify them.”⁹⁴ An additional check not cited in the Constitution centers on the question of whether Congress is required to propose to the states any or all amendments offered by an Article V Convention. This issue is examined at greater length later in this report.

The Limited Convention

While the concept of the general convention enjoys considerable support, there are those who maintain opposing views. A broad range of constitutional scholars holds that a convention may, in fact, be limited to a specific area or areas contained in state applications, or indeed, that it *must* be so limited. A fundamental assumption of this viewpoint is that the Framers did not contemplate a wholesale or large-scale revision of the Constitution when they drafted Article V. Senator Sam Ervin, a champion of advance congressional planning for a convention, wrote that, “... there is strong evidence that what the members of the convention were concerned with ... was the power to make specific amendments.... [The] [p]rovision in article V for two exceptions to the amendment power⁹⁵ underlines the notion that the convention anticipated a specific amendment or amendments rather than general revision.”⁹⁶

One commentator, championing the states’ authority in this question, noted that the founders’ intention in establishing the state petition device was to provide a check against a Congress that had declined to propose an amendment or amendments that commanded widespread support, suggesting that a convention limited by the subject area of state applications was constitutional, but that a convention could not be limited by Congress:

⁹³ Caplan, *Constitutional Brinkmanship, Amending the constitution by National Convention*, p. 147.

⁹⁴ Michael A. Almond, “Amendment by Convention: Our Next Constitutional Crisis?” *North Carolina Law Review*, volume. 53, issue 3, February 1975, p. 507.

⁹⁵ These were the prohibitions against amendments restricting the slave trade before 1808, imposing a capitation tax outside the census formula previously agreed to, or depriving states of equal suffrage in the Senate.

⁹⁶ Sam J. Ervin, Jr., “Proposed Legislation to Implement the Convention Method of Amending the Constitution,” *Michigan Law Review*, volume 66, issue 5, March, 1967-1968 (sic), p. 882.

... Congress may not impose its will on the convention.... the purpose of the Convention Clause is to allow the States to circumvent a recalcitrant Congress. The convention Clause, therefore, must allow the States to limit a convention in order to accomplish this purpose.⁹⁷

According to this view, the states should decide whether a convention would be open and general, or limited, depending on the actions of the several legislatures.

Congress, however, has historically sought to provide for limited conventions when it has considered this question. Once valid applications have been received from 34 states, it has maintained, the call for an Article V Convention must come from Congress, and Congress has the authority to limit the subject of amendments to be considered. It is at this step that Congress has asserted in the past, but not provided in legislation, its power to set limits as to the convention's agenda. This suggests a delicate balance of authority: the states are authorized to apply for a limited convention, but only Congress can guarantee, by law, that a convention so summoned will confine its recommendations to the issues within its mandate. For instance, the Senate Judiciary Committee in 1984 claimed for Congress the power both to set and enforce limits on the subject or subjects considered by a convention summoned in response to state petitions that specified the consideration of amendments in particular areas. This was stated in the committee's report on S. 119 in the 98th Congress, the "Constitutional Convention Implementation Act of 1984":

Under this legislation, it is the States themselves, operating through the Congress, which are ultimately responsible for imposing subject-matter limitations upon the Article V Convention.... the States are authorized to apply for a convention "for the purpose of proposing one or more specific amendments." Indeed, that is the only kind of convention within the scope of the present legislation, although there is no intention to preclude a call for a "general" or "unlimited" convention.⁹⁸

The Goldwater Institute's 2010 study⁹⁹ reached similar conclusions. Examining the contemporary record at the time of the Constitutional Convention, the author asserted the founders anticipated that the Article V Convention would serve chiefly as an agent of the states. Consequently, the states could set the convention's agenda by specifying the questions it would address, and that the convention would be bound to respect the limits of its mandate.¹⁰⁰ Congress, in this viewpoint, acts to facilitate the will of the people acting through their state legislatures: if they call for a convention to consider one or more specific policy proposals, then Congress should call for an appropriately limited convention. If, however, the states petition for a general convention,¹⁰¹ then the argument can also be made in favor of the broader-based assembly.

Assuming that Congress does possess a constitutional mandate to limit the issue or issues a convention might consider, what sort of instruction would be appropriate to this task? Past legislative proposals offer a view of the most widely favored mechanism. First, Section 6(a) of S.

⁹⁷ James Kenneth Rogers, "The Other Way to Amend the Constitution: The Article V Amendment Process," *Harvard Journal of Law and Public Policy*, volume 30, issue 3, summer 2007, p. 1018.

⁹⁸ *Constitutional Convention Implementation Act of 1984*, 98th Cong., 2nd sess., S.Rept. 98-594, p. 25.

⁹⁹ Natelson, *Amending the Constitution by Convention: A Complete View of the Founders' Plan*, Goldwater Institute, Policy Report Number 241, September 16, 2010.

¹⁰⁰ Natelson, *Amending the Constitution by Convention: A Complete View of the Founders' Plan*, pp. 15-18. Available online at <http://www.goldwaterinstitute.org/article/5005>.

¹⁰¹ Presumably, language that asked only for a "Convention for Proposing Amendments," would be interpreted as calling for a general convention.

119 (98th Congress), cited earlier, required the concurrent resolution summoning an Article V Convention to “set forth the nature of the amendment or amendments for the consideration of which the convention is called.” Section 10(b) further required that

No convention called under this Act may propose any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention. Questions arising under this subsection shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.¹⁰²

Alternatively, a number of scholars suggest that while state applications are not prescriptive with respect to the issue areas a convention may address, state intentions must be given “great weight” by Congress when it calls a convention under Article V procedures. William Van Alstyne, writing in the *Duke Law Journal* in 1978 went so far as to assert that,

... [i]f two thirds of the state legislatures ... agree on the exact wording of an amendment ... this would seem to me to state the paradigm case in which Congress should proceed with the call — and limit the agenda exactly in accordance with the unequivocal expressions of those solely responsible for the event.¹⁰³

The Runaway Convention

Fear of a runaway Article V Convention has been a recurring theme over many decades. What, in fact, is a “runaway convention?” It is generally defined as one that was summoned to consider a limited agenda, but moved beyond its original mandate to consider policy questions and potential amendments not contemplated in the applications of the state legislatures or in the congressional summons. In 1967 hearings held on the convention issue, Theodore Sorenson, one of President John Kennedy’s principal domestic policy counselors, cautioned that, “[n]o matter how many and how sincere are the assurances from the backers of a new Convention that their sole concern is reapportionment, no one can safely assume that delegates to such a Convention, once safely seated and in action, would wish to go home without trying their hand at improving many parts of this delicately balanced document.”¹⁰⁴ It is, as another scholar noted, the subject of “age old fear.”¹⁰⁵ “Opponents suggest that a runaway convention, driven by ‘political fringe groups’ might revisit a wide range of constitutional provisions.”¹⁰⁶ Proposals to alter parts of the Bill of Rights, in particular, seem to be singled out as being the most serious challenge to the Constitution by a runaway convention.¹⁰⁷

These concerns, have, however, been characterized as overstated and alarmist. Critics note that the viewpoint elaborated above assumes an Article V Convention would be ideologically monolithic and dominated by a disciplined coalition dedicated to the imposition of an ideologically focused agenda. The breadth of opinion and viewpoints in a nation as populous and

¹⁰² S. 119, 98th Congress, “The Constitutional Convention Implementation Act of 1984,” Section 10(b).

¹⁰³ See William W. Van Alstyne, “Does Article V Restrict the States to Calling Unlimited Conventions Only? — A Letter to a Colleague,” *Duke Law Journal*, volume 1978 (sic), issue 6, pp. 1295-1306.

¹⁰⁴ Quoted in Caplan, *Constitutional Brinkmanship*, pp. 146, 146.

¹⁰⁵ Almond, “Amendment by Convention: Our Next Constitutional Crisis?” p. 504.

¹⁰⁶ James M. LeMunyon, “A Constitutional Convention Can Rein in Washington,” *Wall Street Journal*, March 31, 2010, available at <http://online.wsj.com/article/SB10001424052702304370304575152231710551888.html>.

¹⁰⁷ U.S. Congress, Senate, Committee on the Judiciary, *Constitutional Convention Implementation Act of 1984*, 98th Cong., 2nd sess., S.Rept. 98-594 (Washington: GPO, 1984), p. 29.

diverse as the United States arguably makes this prospect questionable, however, not to mention the element of time that would inevitably pass during and between the various stages of the Article V Convention process. Justice Joseph Story cast doubt on the runaway convention theory on these grounds as early as 1833:

Time is thus allowed, and ample time, for deliberation, both in proposing and ratifying amendments. They cannot be carried by surprise, or intrigue, or artifice. Indeed, years may elapse before a deliberate judgment may be passed upon them, unless some pressing emergency calls for instant action.¹⁰⁸

In its 1984 report on S. 119 (98th Congress), the “Constitutional Convention Implementation Act,” the Senate Judiciary Committee argued that any Article V Convention would be more like Congress: broad, inclusive, and essentially moderate. Here, the report echoed Madison’s assurance that the “size and variety” of the nation serve as a deterrent to “faction.”¹⁰⁹ Finally, the report noted that the founders did not provide unchecked power to the Article V Convention: every amendment proposed would be subject to the same stringent conditions faced by amendments proposed by Congress: “... the notion of a ‘runaway’ convention, succeeding in amending the Constitution in a manner opposed by the American people, is not merely remote, it is impossible.”¹¹⁰ To this judgment may be added the fact that even a runaway convention’s proposed amendment or amendments would be subject to approval by the legislatures or conventions of three-fourths of the states before being incorporated as part of the Constitution.

An Article V Convention Limited to the Consideration of a Specifically Worded Amendment?—H.J.Res. 57 in the 112th Congress

One point on which most observers appear to agree is that an Article V Convention, either limited or general, could not be restricted to consider a specific amendment. During the 1980s campaign for a convention to consider a balanced budget amendment, a number of state legislatures proposed specific amendment language. Some would have accepted a “substantially similar” amendment, while others attempted to limit the convention solely to consideration of their particular amendments. In its 1993 study, the House Judiciary Committee indicated the former might be qualified, but:

... an application requesting an up-or-down vote on a specifically worded amendment cannot be considered valid. Such an approach robs the Convention of its deliberative function which is inherent in article V language stating that the Convention’s purpose is to “propose amendments.” If the State legislatures were permitted to propose the exact wording of an amendment and stipulate that the language not be altered, the Convention would be deprived of this function and would become instead part of the ratification process.¹¹¹

Walter Dellinger has further argued that exact language proposals “short-circuit” the checks and balances built into Article V by the founders. According to his interpretation, they intended to

¹⁰⁸ Joseph Story, *Commentaries on the Constitution of the United States*, (Boston: Hilliard, Gray and Co., 1833) ss. 1824, volume 3, p. 688. Quoted in *The Founders’ Constitution*, Web Edition, available online at <http://press-pubs.uchicago.edu/founders/documents/a5s12.html>.

¹⁰⁹ James Madison in *The Federalist*, Number 10, “The Size and Variety of the Union as a Check on Faction,” pp. 129-136.

¹¹⁰ *Constitutional Convention Implementation Act of 1984*, 98th Cong., 2nd sess. S.Rept. 98-594, p. 29.

¹¹¹ *Is There a Constitutional Convention in America’s Future?* p. 6.

provide sub-federal communities, embodied in the states, the authority to propose a convention to consider amendments, but deliberately refrained from giving the state legislatures the power to determine the exact text of the amendments to be proposed.¹¹²

The general acceptance of this interpretation is highlighted by the fact that a constitutional amendment has been introduced in the 112th Congress to require Congress, on the application of two thirds of the states, to call a convention to consider a specifically worded amendment proposed by the states. The convention's sole function would be "to decide whether to propose that specific amendment to the States..."¹¹³ H.J.Res. 57 would eliminate some of the uncertainties concerning scope and format both of state applications, and of the convention itself, noted earlier in this report. It would definitively settle discussion over the constitutionality of proposing a convention to consider a specific amendment by empowering the states to do so. An asserted collateral advantage is that a convention summoned pursuant to the provisions of H.J.Res. 57 would be authorized to consider *only* the amendment in question, apparently eliminating the prospect of a runaway convention. A final point: since it makes no reference to repeal of existing arrangements, the amendment would arguably supplement, rather than supersede, current language concerning amendments proposed by an Article V Convention, in effect offering a second option for the states in the Article V process. As of August 2012, H.J.Res. 57 had been referred to the Subcommittee on the Constitution of the House Judiciary Committee, but no further action had been taken.

It may be noted that H.J.Res. 57 is a version of a proposal known as "the Madison Amendment," initially offered by the Madison Amendment Coalition, an ad hoc advocacy group established in 2010.¹¹⁴ At the time of this writing, two organizations have endorsed the general concept: a task force of the American Legislative Exchange Council, identified earlier in this report as an organization of state legislators and other interested persons supporting "free markets, limited government, federalism, and individual liberty,"¹¹⁵ and the National Taxpayers Union, an advocacy group promoting "lower taxes and smaller government at all levels."¹¹⁶

In the final analysis, the question "what sort of convention?" is not likely to be resolved unless or until the 34-state threshold has been crossed and a convention assembles. An estimate of the outcome of this process might well be based on the application process itself. It seems fair to assume that a convention summoned to consider a balanced budget, for instance, would confine itself to that issue. It is possible, as surmised by various observers over the years, that a convention could be "hijacked" by agenda-driven factions,¹¹⁷ but it seems more likely that it would reflect James Madison's judgment in *The Federalist*, that the size and variety of the convention, as with that of the Union, would serve as a check to faction¹¹⁸ Ultimately, an Article

¹¹² Dellinger, "The Recurring Question of the 'Limited' Constitutional Convention," p. 1632.

¹¹³ H.J.Res. 57, 112th Congress, introduced on May 10, 2011, by Representatives John Culberson and Henry Cuellar.

¹¹⁴ See "The Madison Amendment," available at <http://www.madisonamendment.org/index.html>.

¹¹⁵ American Legislative Exchange Council website, available at <http://www.alec.org/AM/Template.cfm?Section=About>.

¹¹⁶ "Leading Advocacy Group for Constitutional Federal Budget Reform Backs 'Madison Amendment' to Give States' Greater Say," National Taxpayers Union website, available at <http://www.ntu.org/news-and-issues/government-reform/madison-amendment.html>.

¹¹⁷ LeMunyon, "A Constitutional Convention Can Rein In Washington," *Wall Street Journal*, March 31, 2010.

¹¹⁸ James Madison, in *The Federalist*, Number 10, "The Size and Variety of the Union as a Check on Faction," pp. 129-136.

V Convention's proposals would be subject to the checks and balances written into the Constitution, which will be examined later in this report.

Is Congress Required to Propose Ratification of Amendments Approved by a Convention?

Once an Article V Convention has drafted and approved a constitutional amendment or amendments, the next step in the ratification process is their proposal by Congress to the states for consideration and approval. The fact that Congress is authorized in Article V to designate whether amendments will be considered in the states by ad hoc conventions or by the state legislatures arguably suggests that amendments *must* be transmitted by Congress in order for the ratification process to begin. The larger question is whether Congress is *required* to propose amendments adopted by an Article V Convention to the states. The range of opinion on this issue is predictably broad.

As noted earlier in this report, Congress gave active consideration to the Article V Convention process from the 1970s through the 1990s. During this period, a number of bills were introduced that sought to establish procedures in the event state petitions reached the two-thirds constitutional threshold. In most of these proposals, Congress reserved the right to decide whether an amendment or amendments proposed by an Article V Convention should be circulated to the states for approval and ratification. This assertion of authority rests on the assumption that Article V envisions only a limited convention, called in response to state applications dealing with a particular issue, for example, state legislative reapportionment in the 1960s, or the balanced budget amendment in the 1970s and 1980s. The report to accompany S. 119 in the 98th Congress stated explicitly that

... the convention is without authority to propose any amendment or amendments of a subject matter different than that set forth in the concurrent resolutions calling the convention.... In other words, the convention, although a sovereign body, is subject to the limitations of its constitutional charter — the concurrent resolution by Congress — which itself merely reflects the intent of two-thirds of the States in applying for a convention in the first place.¹¹⁹

The mechanism provided in S. 119, as in nearly all bills, was a concurrent resolution which stated that Congress would not submit the amendment or amendments in question to the states because the subject matter differed from the issue or question which the convention had been called to address.

Senator Sam Ervin, Jr., a champion of constitutional convention procedures legislation, defended Congress's assertion of authority to propose or withhold Article V Convention amendments from the ratification process, but he also favored that Congress be prohibited expressly from refusing to circulate an amendment "because of doubts about the merits of its substantive provisions."¹²⁰ He asserted that "unlimited power in the Congress to refuse to submit proposed amendments for ratification would destroy the independence of the second alternative amending process." Moreover, most later versions of the proposed convention procedures recognized this point by authorizing the states to bring legal action, often in the Supreme Court, if Congress failed to act in

¹¹⁹ *Constitutional Convention Implementation Act of 1984*, 98th Cong., 2nd sess. S.Rept. 98-594, pp. 40-41.

¹²⁰ Ervin, "Proposed Legislation to Implement the Convention Method of Amending the Constitution," p. 894.

calling a convention, or failed to propose a convention's amendments by a certain deadline, most commonly 30 days.¹²¹

The Goldwater Institute's 2010 study, focusing particularly on the role of the states in the process, found that Congress must propose the amendments approved by an Article V Convention to the states, but that the amendments must fall within the convention's mandate:

Because the convention for proposing amendments is the state legislatures' fiduciary, it must follow the instructions of its principals — that is, limit itself to the agenda, if any, that states specify in their applications.... If the convention does propose amendments, Congress must send on to the states *those within the convention's call* (emphasis added).¹²²

It is worth noting that the Goldwater Institute study offers a potential solution to this difficult question: the report suggests that an Article V Convention wishing to offer proposals outside the scope of its mandate could make additional policy recommendations, but not in the form of constitutional amendments.¹²³ While these instruments would not enjoy the same constitutional status as amendments proposed by the convention, they would arguably be accorded considerable attention in Congress, the states, and the policy arena at large, and might serve as the foundation for a national debate on the questions they address.

Conversely, a substantial range of constitutional commentators holds that Congress is ultimately obliged to propose any and all amendments approved by an Article V Convention to the states. Writing in the late 1960s, when the campaign to overturn the Supreme Court's decision on state legislative apportionment¹²⁴ seemed poised to cross the 34-state threshold, Morris Forkosch asserted:

Congress has its own independent machinery to propose amendments in the first alternative, and to give Congress the power to review the proposals necessarily deprives the second alternative of its independence. As a result, Congress would become supreme, and Article V would automatically read that "The Congress ... call a[n advisory] Convention for proposing Amendments [to it]...." This would be an adoption of the very system rejected by the 1787 Convention.¹²⁵

Professor Gerald Gunther similarly asserted that a congressional claim of veto power over amendments proposed by an Article V Convention directly contravened the founders' intent:

In my view, the text, history and structure of Article V make a congressional claim to play a substantial role in setting the agenda of the convention highly questionable. If the state-initiated method for amending the constitution was designed for anything, it was designed to *minimize* (emphasis in original) the role of Congress. Congress was given only two ... extremely narrow responsibilities. First Congress must call the convention when thirty-four valid applications are at hand (and it is of course a necessary part of that task to consider the

¹²¹ See, for instance, Section 15, S. 119, 98th Congress, Constitutional Convention Implementation Act of 1984 or Section 11(c), S. 214, 102nd Congress, Constitutional Convention Implementation Act of 1991.

¹²² Natelson, *Amending the Constitution by Convention: A Complete View of the Founders' Plan*, p. 24.

¹²³ *Ibid.*, p. 25.

¹²⁴ See under "State Legislative Apportionment, 1964-1969" in CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale.

¹²⁵ Morris D. Forkosch, "The Alternative Amending Clause in Article V: Reflections and Suggestions," *Minnesota Law Review*, volume 51, issue 6, 1966-1967, p. 1079.

validity of the applications and set up the machinery for convening the convention). Second, Congress has the responsibility for choosing a method of ratification once the convention submits its proposals. I am convinced that is all that Congress can properly do.¹²⁶

He went on to suggest that any effort by Congress to “veto” an amendment proposed by an Article V Convention might prove to be unsustainable. Its delegates, he asserted, might not go quietly, arguing instead that they acted with justification, despite efforts to restrict their mandate, and that a refusal by Congress to propose an amendment to the states thwarted “the opportunity of the people to be heard through the ratification process.”¹²⁷ Ultimately, Congress might be faced with an embarrassing political dilemma:

... might not Congress find it impolitic to refuse to submit the convention’s proposals to ratification? I suggest that it is not at all inconceivable that Congress, despite its initial belief that it could impose limits, and despite its effort to impose such limits, would ultimately find it to be the course of least resistance to submit all of the proposals emanating from a convention ... to the ratification process, where the people would have another say.¹²⁸

Ultimately, the question of whether Congress can refuse to propose an amendment may also depend on one of the issues addressed above: what manner of convention does Article V authorize? If only a limited convention is permissible, then Congress could argue strongly that it would be within its rights to refuse proposing an amendment that addressed an issue beyond the convention’s mandate. If Article V were interpreted to include a general convention, either as authorized in its call, or a convention that addresses issues beyond those cited in the applications that led to its call, then Congress would arguably have less standing to assert its role as judge of validity of Article V Convention proposals.

Additional Issues for Congress

Beyond the three fundamental questions examined above — the mandate of the Article V Convention and the authority of Congress both in calling such a convention and proposing amendments emerging from its deliberations to the states — the process presents a range of other issues for consideration by Congress.

A Role for the President?

Perhaps one of the most obvious subsidiary questions surrounding the Article V Convention process is, “what is the President’s role?” The immediate answer is that the Constitution clearly designates Congress as the sole agent in federal aspects of the process—by contrast, neither the President, nor the executive branch and the judiciary, are mentioned in Article V.

One point of view, noting the language of the article, maintains that the chief executive would not have a role in the Article V Convention process. The Senate Judiciary Committee’s 1971 report on S. 215, the proposed Federal Constitutional Procedures Act, in the 92nd Congress, noted simply that “[i]nasmuch as the function of Congress is simply to operate the machinery to effectuate the

¹²⁶ Gerald Gunther, “The Convention Method of Amending the United States Constitution,” *Georgia Law Review*, volume 14, number 1, fall 1979, p. 23.

¹²⁷ *Ibid.*, p. 9.

¹²⁸ *Ibid.*, pp. 9-10.

actions of the States and the convention, there is no proper place for a Presidential role.”¹²⁹ Moreover, the committee went on to assert that the appropriate device for proposing an Article V Convention Amendment proposed in the bill was a concurrent resolution, a legislative vehicle that, by tradition, is not sent to the President for his approval.¹³⁰ Thirteen years later, without explicitly excluding the President, the same committee made what arguably was a broader claim of congressional authority over the Article V Convention process in its report on S. 119, the Constitutional Convention Implementation Act of 1984, 98th Congress:

Although there is no explicit statement to this effect in Article V, there can be little doubt that the Congress is possessed with the authority to issue legislation on the subject matter of the “Constitutional Convention Implementation Act.” Article V states in relevant part that, “The Congress ... on Application of the Legislatures of two thirds of the several states shall call a Convention for proposing Amendments.” Congress’ explicit authority under this provision is to “call” the convention. The powers invested in Congress under S. 119 are entirely a function of this responsibility, authorized under the “necessary and proper” clause of Article I, section 8, clause 18.¹³¹

In its 1974 study, the American Bar Association cast further doubt on a role for the President in the Article V Convention. The study argued that presidential approval would impose an additional requirement in the process, and that the potential of a presidential veto of a convention call would attach a de facto super-majority requirement not contemplated by the founders.¹³² The report found that, under these circumstances, “the parallelism between the two initiating methods would be altered, in a manner that could only thwart the intended purpose of the convention process as an ‘equal’ method of initiating amendments.”¹³³

Some observers argue, however, that the President should have a role in certain aspects of the process. The President’s constitutional authority to approve legislation is cited in support of this assertion:

Every Order Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him....¹³⁴

Proponents maintain that the President’s authority to approve or disapprove legislation — his veto power — as provided in Article I, clause 7, would extend to a congressional call for an Article V Constitutional Convention, notwithstanding the choice of legislative vehicle. In more than 40 constitutional convention procedures bills introduced from the 1970s through the 1990s, a concurrent resolution, which does not permit presidential approval, was designated as the approved vehicle for a call for an Article V Convention. Constitutional scholar Charles Black emphatically rejected this choice, asserting that the call for a convention was too important not to come under the President’s purview:

¹²⁹ U.S. Congress, Senate, Committee on the Judiciary, *Federal Constitutional Procedures Act*, report to accompany S. 215, Report No. 92-336, 92nd Cong., 1st sess. (Washington: 1971), p. 12.

¹³⁰ *Ibid.*

¹³¹ *Constitutional Convention Implementation Act of 1984*, 98th Cong., 2nd sess. S.Rept. 98-594, p. 21.

¹³² American Bar Association, *Amendment of the Constitution by the Convention Method Under Article V*, p. 27.

¹³³ *Ibid.*, p. 28.

¹³⁴ U.S. Constitution, Article I, Section 7, clause 3.

... a convention call would have the force of law — significant, vital law, comparable to a law establishing any other body with power to act. (As a contrasting example, S.J. Res. 197 [in the 92nd Congress], setting up an arbitration board ... went to the President.... What possible reason could there be for not following this procedure as to the setting up of a constitutional convention, more important by several orders of magnitude than an arbitration board? Can it be thought that Article I, Section 7, can be evaded by mere *nomenclature* [emphasis in the original] — by merely calling something a “Concurrent” rather than a “Joint” Resolution?¹³⁵

Supporters of the President’s role in the Article V Convention process also note that the legislative models offered by constitutional convention procedures bills in the past were more than simple “calls” for a convention. They prescribed a form and procedures for a convention, authorized use of federal resources and facilities, and provided for public funding of convention expenses. As Arthur Bonfield noted,

... Congress must necessarily make more than a mere call for a convention. Such a call would be meaningless without the inclusion of the specific terms upon which such a body is to be constituted, organized, and conducted. These terms to be spelled out by Congress would appear similar to the general kinds of legislation with which Congress normally deals. Consequently, no reason of logic dictates its different treatment in respect to the need for Presidential approval.¹³⁶

From the standpoint of the broader national welfare, the same author noted that as the President is the only federal official elected and responsible to the American people as a whole, “[h]is participation in this process that would intimately affect all Americans and our nation as a whole seems, therefore, especially proper and natural.”¹³⁷

The House Judiciary Committee’s 1993 study identified a potential alternative, noting that a call for an Article V Convention and the legislation carrying the call into effect need not be part of the same vehicle. This suggests a two-step process in which Congress could, on its own authority, pass a concurrent resolution summoning the convention, while additional arrangements implementing the convention call could be contained in a law-making measure, subject to presidential approval.¹³⁸

Moving beyond the convention call to the actual proposal of amendments passed by an Article V Convention, most observers maintain that, as with the method of congressional proposal, the President would not be a part of the process. In this instance, it is asserted that the Supreme Court’s ruling in *Hollingsworth v. Virginia* that the President’s signature was not necessary when Congress proposed amendments to the states would arguably apply to those offered by a convention.¹³⁹

¹³⁵ Black, “A Letter to a Congressman,” p. 208.

¹³⁶ Bonfield, “Proposing Constitutional Amendments by Convention: Some Problems,” p. 675.

¹³⁷ Arthur Earl Bonfield, “The Dirksen Amendment and the Article V Convention Process,” *Michigan Law Review*, volume 66, 1967-68, p. 986.

¹³⁸ *Is There a Constitutional Convention in America’s Future*, p. 14.

¹³⁹ See above at footnote 12.

“Checks and Balances” in the Article V Amendment Process

As noted above, the work of an Article V Convention, once proposed, would be subject to various checks and balances, including congressional authority to designate ratification by ad hoc conventions or state legislatures and the requirement that all amendments proposed must be ratified by three-fourths of the states. In addition, for nearly the past century, Congress has also required that amendments be ratified by the states within a seven-year time limit.

Congressional Authority to Propose Ratification by Convention or Legislature

Article V states explicitly that amendments “shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by Congress.” For amendments proposed by Congress, the convention alternative has been provided only for the 21st Amendment, which repealed the 18th Amendment, and with it, prohibition. All other amendments were sent to the state legislatures for ratification.

The alternative of ratification by state conventions or legislatures at the discretion of Congress was introduced by James Madison at the Philadelphia Convention and was adopted by a wide margin; beyond that, however, the reasoning of the founders is unclear. In their earlier discussion on how the Constitution itself was to be adopted, the delegates indicated that ratification by ad hoc conventions, on which they ultimately settled, would be more democratic and more reflective of the public will than by state legislatures. State legislatures, it was assumed, would be less open to change, and more interested in preserving the status quo.¹⁴⁰ This understanding evidently motivated the framers of the 21st Amendment, which effectively ended prohibition; according to one source, pro-repeal Members “favored this mode of ratification because they believed that they clearly had popular sentiment on their side, and furthermore, they distrusted the response to the issue of rural-dominated state legislatures.”¹⁴¹ One commentator observed that “[t]he convention, therefore, is the only mechanism of ratification which assures the expression of the people.... it seems apparent, however, that the convention mode will be used only when there is a powerful public opinion in its favor.”¹⁴² A contrary view was expressed by another scholar, who suggested that since amendments have been proposed by a convention, Congress should choose the state legislatures to ratify them, on the grounds that

... there should be two different bodies, one to check on the other; the different sets of delegates to the Convention and to the state’s legislature may and should produce different reasons and arguments for so amending the Constitution.¹⁴³

Thus the Constitution, in this seemingly minor delegation of authority, arguably endows Congress with a powerful check to the work of an Article V Convention.¹⁴⁴

¹⁴⁰ Philip L. Martin, “Convention Ratification of Federal Constitutional Amendments,” *Political Science Quarterly*, volume LXXXII, no. 1, March, 1967, pp. 61-71.

¹⁴¹ Grimes, *Democracy and the Amendments to the Constitution*, p. 110.

¹⁴² Martin, “Convention Ratification of Federal Constitutional Amendments,” p. 71.

¹⁴³ Forkosch, “The Alternative Amending Clause in Article V: Reflections and Suggestions,” pp. 1079-1080.

¹⁴⁴ “Congress has *complete freedom of choice* between the two methods of ratification recognized by Article V — by the legislatures of the States, or by conventions in the States (emphasis added).” U.S. Congress, *The Constitution of the United States of America, Analysis and Interpretation* (Washington: GPO, 2004), p. 952. Available at (continued...)

Approval by Three-fourths of the States Required for Ratification

A second constitutional check on amendments proposed by an Article V Convention also applies equally to those proposed by Congress: they must be ratified by a supermajority of three-fourths of the states. Here again, the founders' intentions are clear. As James Madison wrote in *The Federalist*:

That useful alterations will be suggested by experience could not but be foreseen. It was requisite, therefore, that a mode for introducing them be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility, which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults.¹⁴⁵

Amendments to the Constitution, whether proposed by Congress or an Article V Convention, were thus intended by the founders to reflect the measured and deliberate opinion of the nation. Their purposeful selection of the most stringent super-majority requirement provided in the Constitution strongly suggests the founders' sense of the gravity that applies to the amendment process.

Ratification Within Seven Years of Proposal

As noted earlier in this report, for the 18th, 20th, and all subsequent amendments, Congress has set a time limit of seven years for ratification. This standard is not found in the Constitution, but it has been confirmed by the Supreme Court in its 1921 ruling in *Dillon v. Gloss*.¹⁴⁶ In this case, the Court, "finding no express provision in Article V," authorizing the deadline nonetheless thought it was "reasonably implied" therein "that the ratification must be within some reasonable time after the proposal."¹⁴⁷ Notwithstanding this long tradition, a ratification deadline is not required by the Constitution, and it is possible that an Article V Convention might choose not to include one for any amendments it might propose.

This leads to a subsequent question: would Congress have the authority to attach a ratification deadline by including one in the concurrent resolution by which it transmits to the states an amendment or amendments proposed by an Article V Convention? Proponents might well argue that historic precedent suggests Congress does have this power, based on contemporary practice of including the ratification deadline in the resolution proposing amendments, rather than in the body of the amendments themselves. For instance, while the 18th, 20th, and all subsequent amendments have included a seven-year sunset provision for the ratification process, since the proposal of the 23rd Amendment, the time limit has been included *not* in the body of the amendment itself, but in the authorizing or "resolving" language found in the resolution proposing the amendment.¹⁴⁸ The argument here is that since Congress would use a concurrent

(...continued)

<http://www.gpo.gov/fdsys/pkg/GPO-CONAN-2002/pdf/GPO-CONAN-2002-8-6.pdf>.

¹⁴⁵ James Madison, in *The Federalist*, Number 43, "Powers Delegated to the General Government: III," p. 315.

¹⁴⁶ 256 U.S. 368 375 (1921).

¹⁴⁷ *The United States Constitution, Analysis and Interpretation*, p. 950, Available at <http://www.gpo.gov/fdsys/pkg/GPO-CONAN-2002/pdf/GPO-CONAN-2002-8-6.pdf>.

¹⁴⁸ For instance, in the 18th Amendment, Section 3 of the amendment itself preserves the ratification deadline. By comparison, the 26th Amendment (setting the voting age at 18) included the deadline in the resolving clause or preamble of the joint resolution (S.J.Res. 7, 92nd Congress) that proposed the amendment.

resolution to propose an amendment drafted by an Article V Convention (as envisioned in the various convention procedures acts discussed earlier in this report), it would also have the authority to include the traditional seven-year deadline in the resolving language of the resolution.

Details of the Article V Convention Process — Is Congress a Clerk or the Guardian?

Article V's barebones provisions provide little guidance on the role of Congress in the Article V Convention process. As noted earlier, the minimalist interpretation would assign a purely ministerial or clerical role to Congress: it should call a convention; impose minimal requirements on the convention as to its form, procedures, and agenda; and should refer whatever amendment or amendments are proposed by the convention to the states in timely fashion. In other words, call the convention, and then stand aside. There is, in fact, justification for this course of action from the pens of the founders themselves; as noted earlier, Alexander Hamilton explained the Article V Convention process in unmistakable terms:

By the fifth article of the plan, the Congress will be obliged ... to call a convention for proposing amendments.... *The words of this article are peremptory. The Congress "shall call a convention." Nothing in this particular is left to the discretion of that body* (emphasis added).¹⁴⁹

This point of view is held in varying degrees by proponents of the Article V Convention. The Goldwater Institute's 2010 study summarized it as follows:

The ministerial nature of congressional duties and the requirement that it call a convention at the behest of two-thirds of the state legislatures supports the conclusion in the previous section that in the state application-and-convention process, Congress acts primarily as the legislatures' agent. From the nature of that role, it follows that Congress may not impose rules of its own on the states or on the convention.... In the state-application-and-convention procedure, the states are in the position of the property owner, Congress in the position of the manager, and the convention for proposing amendments in the place of the contractor.¹⁵⁰

Congress, however, has historically interpreted the language authorizing it to "call" an Article V Convention as providing a broad mandate to establish standards and procedures for such an assembly. In its 1984 report on S. 119, 98th Congress, the Senate Judiciary Committee expressed its judgment that

... [a]s a necessary incident of its responsibility to "call" the convention, Congress must have the authority to determine that the constitutional preconditions exist for such a convention.... The Congress, as well, clearly possesses the authority to set forth the necessary and attendant details of the convention.¹⁵¹

The House Judiciary Committee considered both points of view in its 1993 print, *Is There a Constitutional Convention in America's Future?*, ultimately suggesting that Congress does have a role beyond that of calling the convention and then standing aside, but noting that the extent of that function is open to dispute:

¹⁴⁹ Alexander Hamilton, in *The Federalist*, Number 85, "Conclusion," p. 546.

¹⁵⁰ Natelson, *Amending the Constitution by Convention: A Complete View of the Founders' Plan*, p. 21.

¹⁵¹ *Constitutional Convention Implementation Act of 1984*, 98th Cong., 2nd sess. S.Rept. 98-594, p. 21.

Congress, according to most commentators, has only two roles in the Convention process: To call the Convention and to choose a method of ratification. However, all are agreed that a range of ancillary functions are necessary and proper to carry out the primary roles. The disagreement begins in deciding the limits of the ancillary functions.¹⁵²

Some of these ancillary functions associated with an Article V Convention are considered below.

Providing a Framework: The Precedent of Congressional Proposals to Shape an Article V Convention

As noted in the previous section, Congress has historically interpreted the language authorizing it to “call” an Article V Convention as providing a broad mandate to establish standards and procedures for such an assembly. This viewpoint evolved during the 1970s and 1980s as Congress considered legislation to establish procedures for an Article V Convention: by the mid-1980s, these bills generally included quite specific standards for state petitions, delegate apportionment formulas and delegate qualifications, convention procedures and funding, specific limits for the life of a convention, ratification procedures, and judicial review.

Between 1973 and 1992, 22 bills were introduced in the House and 19 in the Senate that sought to establish a procedural framework that would apply to an Article V Convention. Proponents argued that constitutional convention procedures legislation would eliminate many of the uncertainties inherent in first-time consideration of such an event and would also facilitate contingency planning, thus enabling Congress to respond in an orderly fashion to a call for an Article V Convention. The Senate, in fact, passed constitutional convention procedures bills, the “Federal Constitutional Convention Procedures Act,” on two separate occasions: as S. 215 in 1971 in the 92nd Congress, and as S. 1272 in 1983, in the 98th Congress. Neither bill was considered in the House, although the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee held hearings on the general issue in 1985. As the prospect of an Article V Convention receded in the 1990s, congressional interest waned. Between 1991 and the time of this writing, no relevant legislation has been introduced. Although the content of these bills evolved over time, most of them were broadly similar, sharing various common elements, among which were the following.

State Application Procedures

All bills prescribed a standard format and content for state applications, provided delivery standards for applications, and set schedules for submissions to Congress, and for congressional declarations of receipt. Most proposals included a contemporaneity provision, essentially establishing a time limit, usually seven years, after which state applications would expire.

Application, Receipt, and Processing in Congress

The Secretary of the Senate and the Clerk of the House of Representatives were generally authorized to receive and retain applications, report them, and report to their respective chambers if the constitutional requirement was met. Most bills required the adoption of a concurrent resolution by the two chambers that valid applications had been received from two-thirds of the

¹⁵² *Is There a Constitutional Convention in America's Future?*, pp. 28-29.

states. The House and Senate, by concurrent resolution, would then call for a convention, designating the place and time of the meeting, which would be not less than one year after the adoption of the resolution, and the nature of the amendment or amendments to be considered.

Number and Apportionment of Delegates

Apportionment of convention delegates among the states was generally set at the formula provided for the electoral college, with each state assigned a number equal to its combined Senate and House delegations. Some bills included the District of Columbia, assigning it three delegates, but others did not include the federal district. When combined with the per capita voting which most bills provided, this formula gave greater weight to differences in state population; as with the electoral college, it also recognized the federal system's position on constitutional equality of the states by providing each with an extra two delegates and votes, regardless of population.

Funding

Most bills provided that delegates and convention staff were to be compensated from federal funds, and delegates received immunity from arrest in most instances during the convention. Various federal agencies were authorized to provide support for the convention as requested, and convention expenses were to be covered by appropriated funds.

Convention Procedures

The Vice President was authorized in most versions to preside over the inaugural session and swear in the convention officers, after which time the permanent officers would preside over later sessions and the delegates would adopt their rules and procedures.

Most bills required that amendments were to be approved by two-thirds of the whole number of delegates, and that amendments were required to be consistent with the issue which the convention had been summoned to address. In most versions, as noted earlier, Congress reserved to itself the right to decide whether proposed amendments met this criterion.

The President pro tempore of the Senate and the Speaker of the House were required to transmit proposed amendments to the Administrator of General Services for circulation to the states unless both chambers passed a concurrent resolution of disapproval. Valid grounds for disapproval included departure from the policy issue for which the convention was called or failure to follow procedures prescribed in the authorizing legislation. Amendments proposed by a convention would be subject to standard constitutional requirements, that is, ratification by three-fourths of the states, either in their legislatures, or by ad hoc ratification conventions, as determined by Congress.

A Defined Term for the Convention

The convention was given a limited term, generally either six months or one year.

State Authority to Rescind Ratification of Proposed Amendments

Most versions of the bill authorized the states to rescind ratification of proposed amendments at any time before the constitutional ratification threshold of three-fourths of the states was attained.

Judicial Review

Later versions of constitutional convention procedures bills generally authorized judicial review and set procedures for court consideration of proposed amendments.

In the event the number of state applications for an Article V Convention approached the two-thirds constitutional requirement, Congress could choose to revisit this issue. If so, legislation introduced during the later decades of the 20th century could provide a range of models for procedures to provide for an Article V Convention.

What Are the Current Procedures for Receipt and Processing of State Applications by Congress?

The process by which the states currently register, and Congress acknowledges the receipt of, applications for an Article V Convention, as well as the occasional application for a specific amendment, is another area in which there are few established procedures. For this particular activity, Congress performs an essentially ministerial function.

In the absence of guidance from Congress, the state legislatures have historically forwarded their applications for an Article V Convention to an almost bewildering range of congressional officers and offices. For practical purposes, this is an area where the Senate and the House of Representatives, acting either jointly or individually, might choose to designate a single official or office to whom such applications should be addressed, such as the Secretary of the Senate and the Clerk of the House of Representatives, or, alternatively, the Speaker and the President pro tempore of the Senate. The law governing the transmission of state electoral college proceedings offers a potential example: in this instance, each state is required to transmit the vote of its electors to the President of the Senate (recall that the Vice President presides over the joint electoral vote count session in his capacity as President of the Senate), the secretary of state of their state, the Archivist of the United States, and the judge of the federal court in the district in which the electors assemble.¹⁵³ By designating specific officials, the statute avoids the uncertainty faced by states as to whom their electoral college results should be addressed, and by specifying multiple recipients, it ensures that the certificates will be safely delivered and retained.

Once they are received by Congress, state applications for an Article V Convention are classified as “Memorials.”¹⁵⁴ As such, they may be addressed to the House or Senate as a whole, to the Speaker or the presiding officer of the Senate, or to individual Senators or Representatives. Memorials are printed on an occasional basis in the *Congressional Record* after they have been received.

¹⁵³ 3 U.S.C. 11.

¹⁵⁴ For additional information, see CRS Report 98-839, *Messages, Petitions, Communications, and Memorials to Congress*, by R. Eric Petersen.

The Senate assigns a “POM” (petitions or memorials) number to each memorial and prints the full text of memorials received from state legislatures from time to time under the heading “Petitions and Memorials” in the *Record*, as authorized by Rule VII of the *Standing Rules of the Senate*.¹⁵⁵

House practice differs somewhat: memorials are customarily presented by the Speaker, in accord with Rule XII, clause 3 of the *Rules of the House*. They are assigned a number, and printed and recorded separately from other communications in the *Congressional Record*, under the heading “Memorials.” Unlike the Senate, the House includes only a digest of the state measure.¹⁵⁶

Rescissions of applications for an Article V Convention, which in recent years have been more common than new applications, are recorded the same way.¹⁵⁷

The Senate and House of Representatives both place the consideration of constitutional amendments under the jurisdiction of their respective Committees on the Judiciary, and Memorials containing state applications are customarily referred to these committees. Both applications and rescissions are apparently retained by the Judiciary committees during the tenure of the Congress in which they were received, after which time they are transmitted to the National Archives and Records Administration for retention by the Center for Legislative Archives. There does not, however, appear to be a central repository where these documents are retained for the historical record. According to the National Archives, state applications are scattered through the center’s various congressional document holdings.¹⁵⁸ Given this finding, and the fact that no single legislative branch officer or entity currently is tasked with recording and retaining all state applications for an Article V Convention, no definitive official list of such calls exists.

This is also an area in which the Senate and House of Representatives, acting jointly or separately, might consider more systematic procedures for the treatment of state applications for an Article V Convention, or for specific amendments, particularly with respect to retention of state applications by a single, designated, repository, for a period longer than the life of the current Congress in which they were received. Such action would also offer a corollary benefit for the purposes of accurate historical record keeping in the future.

Could Senators and Representatives Serve as Delegates to an Article V Convention?

An initial response to this query might be that Members of either house of Congress would be prohibited from serving as delegates to an Article V Convention. The House Judiciary Committee’s 1993 study makes note of this argument, which stems from the Constitution’s provision that

¹⁵⁵ See *Standing Rules of the United States Senate*, Rule VII, paragraph 1, available at <http://rules.senate.gov/public/index.cfm?Rule=VII>.

¹⁵⁶ See *Rules of the House of Representatives*, Rule XII, clause 3, at <http://www.rules.house.gov/singlepages.aspx?NewsID=133&rsbd=165>.

¹⁵⁷ Friends of the Article V Convention (FOAVC) maintains what it claims is a complete online archive of *Congressional Record* (and earlier congressional journals) images of state petitions, or digests thereof. This collection begins with 1899 and continues to the present. It is available at <http://foavc.org/file.php/1/Amendments/index.htm>.

¹⁵⁸ Letter from Rodney A. Ross, National Archives and Records Administration, Center for Legislative Archives, dated March 12, 2007. Available from the author of this report.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased [sic] during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.¹⁵⁹

The report also cites assertions that Members serving as delegates would constitute “great potential for conflict of interest because Members would be viewed as acting both as regulators and as persons regulated.”¹⁶⁰ Finally, it notes arguments also cited elsewhere in this report that the founders intended the Article V mechanism to be a way around congressional unwillingness to propose amendments.

At the same time, other observers have suggested that there is no constitutional prohibition against Senators and Representatives serving as delegates to an Article V Convention. In a 1974 study, the American Bar Association determined that the constitutional mandate prohibits Members from holding any additional office in one of the three branches of the U.S. government, but concluded that service as a “state-elected delegate to a national constitutional convention does not meet this standard.”¹⁶¹ Another commentator agreed, suggesting that Members of Congress could make a substantial addition to a convention: “in light of the delegates’ function and possible impact on the constitutional scheme, it seems desirable that interested members of Congress be allowed to participate.”¹⁶² Finally, both the aforementioned sources cite as precedent the fact that several incumbent Delegates to Congress under the Articles of Confederation, “the United States in Congress Assembled,” served with distinction as delegates to the Philadelphia Convention of 1787.

Convention Procedures: Ancillary Issues for Congress

The Article V Convention carries with it a range of ancillary questions, several of which are addressed in this section.

Would State Representation and Voting in the Convention be Equal? Proportional to Population? Or Both?

One issue would likely arise over the state representation formula at an Article V Convention. As noted earlier, the most widely discussed model would establish a convention including 535 (or 538, depending on whether the District of Columbia is included) delegates, allocated to each state according to the size of its electoral college delegation, that is, the combined total of each state’s House of Representatives and Senate delegations.

A related question concerns vote allocation in an Article V Convention. Would delegates vote per capita, or would each state cast a single vote, during the convention’s deliberations, and on the final question of proposing amendments? Here again, contemporary democratic practice might

¹⁵⁹ U.S. Constitution, Article I, Section 6, clause 2.

¹⁶⁰ *Is There a Constitutional Convention in America's Future?*, p. 20.

¹⁶¹ American Bar Association, *Amendment of the Constitution by the Convention Method Under Article V*, p. 37.

¹⁶² Forkosch, “The Alternative Amending Clause in Article V: Reflections and Suggestions,” p. 1073. Professor Forkosch further suggested that federal judges would be able to serve as delegates to an Article V Convention, although he advised Congress to exclude them.

argue that the convention's size or vote allocation formula should more accurately reflect the great variations in state population than does the electoral vote delegate allocation model.¹⁶³ Expanding the number of convention delegates beyond the 535 or 538 previously contemplated would be one response to such concerns; another might be weighted voting, with the votes assigned to each state's delegation adjusted to reflect the population differential, regardless of the number of convention delegates. On the other hand, it could be argued that the allocation of electoral votes reflects the federal principal of fundamental equality among the states, notwithstanding the various population differentials. In fact, it could be noted that each state cast just a single vote in all deliberations at the Philadelphia Convention, and that, moreover, Article V also assigns equal weight to the various states in the ratification process, notwithstanding their population.

A subsidiary question would involve voting within delegations at the convention: if each state casts a single vote, what form would internal state delegation balloting take? Would a majority of delegate votes be required to cast the state vote in favor of a proposed amendment, or for that matter on any question before the convention, or would a plurality suffice?

Would the Convention Require a Super Majority of State or Delegate Approvals to Propose Amendments?

The Constitution is silent on the vote required to propose amendments in an Article V Convention. It might be argued that since the Constitution offers no guidance, it would be appropriate for the convention, or Congress, if it has passed an Article V Convention procedures act, to set the standard for successful proposal to the states. A strong argument could be made for adopting the two-thirds majority requirement already necessary for congressional proposal of amendments. One commentator argued for approval by two-thirds of the delegates to an Article V Convention, and suggested that Congress should include such a provision in any convention procedures legislation it considered.

Congress should also provide that an affirmative vote of two-thirds of the delegates would be required to propose any given amendment to the states. In this way, it would assure a symmetry of concurrence in the bodies empowered to propose constitutional amendments — whether the body was Congress or a convention.... A two thirds requirement in such a convention would also guarantee that no amendment, regardless of its means of proposal, is ever submitted to the states before an overwhelming consensus as to its desirability is evidenced in a nationally oriented body.¹⁶⁴

Proponents of a less restrictive requirement might suggest that, at two-thirds, the bar has been set too high, especially considering the stringent constitutional requisite that any amendment be approved by three-fourths of the states, and usually within seven years, in order to be ratified. The convention, they might argue, should send the amendment to the states and let the people decide. Moreover, they might note that while Article V sets two very specific super-majority requirements for constitutional amendments (a two-thirds vote of both houses for congressionally

¹⁶³ For instance, if delegates were apportioned according to the electoral college formula, each of California's delegates would represent 679,000 people, while each of Wyoming's three delegates would represent 190,000, by this measurement, providing a substantial arithmetical advantage to residents of the latter state. 2012 Census figures, computed by CRS.

¹⁶⁴ Bonfield, "Proposing Constitutional Amendments by Convention: Some Problems," p. 676.

proposed amendments, and ratification by three-fourths of the states), it provides no super-majority for amendments proposed by an Article V Convention. The inference here is that since the founders did not set a higher hurdle, they were satisfied that majority approval, or perhaps even a plurality vote in the convention, would be sufficient to propose amendments to the states.

The Role of the District of Columbia and U.S. Territories in an Article V Convention

Article V itself is silent on membership in an Article V Convention, so it is arguable that Congress, in summoning a convention to consider amendments, might choose to include the District of Columbia and U.S. territories as either full members at a convention, or possibly as observers. As noted previously, some versions of the Article V Convention procedures bills introduced in the late 20th century did provide for delegates representing the District of Columbia, although not for U.S. territories. There does not appear to be an impediment to participation by representatives of the federal district, although the ratification process for amendments is obviously limited to the states. An argument can be made for including Washington, DC, because it is part of the continental United States, is situated in the area of the original 13 states, and its residents have always been American citizens. Within this larger question, a further issue for Congress would be whether Washington should be accorded full membership in an Article V Convention, or observer or delegate status, as is the case with its representation in Congress. Here again, it could also be inferred that what the Constitution does not prohibit, it permits: since Article V does not set positive qualifications for the convention, the District of Columbia could be provided full voting membership. On the other hand, it could also be argued that Article V vests authority over the amendment process exclusively in Congress and the states, and that to expand membership in an Article V Convention to include delegates from the federal district was never contemplated by the founders, and is arguably extra-constitutional, if not unconstitutional.

The question of territorial representation at an Article V Convention is arguably more problematic. None of the convention procedures bills introduced from the 1970s through the 1990s provided delegates for any of the unincorporated territories or other possessions of the United States — American Samoa, Guam, the Commonwealths of the Northern Marianas and Puerto Rico, and the U.S. Virgin Islands. A case for territorial representation at a convention might turn on the point that these jurisdictions are controlled by the United States, their inhabitants are American citizens or nationals, and that they enjoy the privileges and protections of the Constitution. By extension, it may be asserted that that the territories at least deserve a seat at the table, perhaps as observers or delegates, rather than voting members.

However the question of District of Columbia and territorial representation at an Article V convention was decided, it must be recalled that, in the final analysis, none of these jurisdictions would take part in the ultimate process of ratifying any proposed amendments. Here the constitutional language is prescriptive, specifying that amendments must be ratified by vote of “the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof....”

Concluding Observations

The Article V Convention for proposing amendments was the subject of considerable debate and forethought in the Philadelphia Convention of 1787. Clearly intended as a balance to proposal of

amendments by Congress, it sought to provide the people, through their state legislatures, with an alternative method of offering amendments to the nation's fundamental charter, particularly if Congress proved incapable of, or unwilling to, initiate amendments on its own. It also enjoys distinction as one of the few provisions of the U.S. Constitution that has never been implemented. Under these circumstances, the Article V Convention presents many questions that Congress would be called on to consider, and perhaps answer, in the event a convention became a serious possibility. If so, Congress would not be without resources. It is perhaps fortunate that guideposts, if not simple answers, exist in the broad range of sources cited in this report: the original intent of the founders as preserved in the record; historical examples and precedents, particularly those of the last decades of the 20th century; a large body of scholarly writing on the subject; and not least, the work and products of two decades of serious congressional consideration, from the 1970s to the 1990s, of the question of an Article V Convention.

Author Contact Information

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 596 - Generally revise laws related to false arrest and imprisonment

Sponsor: Rep. Joe Read (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 555 - Revise civil liability laws on personal property exempt from execution

Sponsor: Rep. Matt Regier (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 581 - Revise gun storage laws

Sponsor: **Rep. Robert Farris-Olsen (D)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 557 - Revise missing person laws

Sponsor: **Rep. Jonathan Windy Boy (D)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 552 - Establish Montana racial justice act

Sponsor: Rep. Ed Stafman (D)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 584 - Requiring certain costs paid to detention center be based on actual costs

Sponsor: Rep. Kerri Seekins-Crowe (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 578 - Revise laws related to commitment of defendants

Sponsor: Rep. Terry Moore (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 559 - Revise requirements for dissemination of confidential criminal justice info

Sponsor: Rep. Bill Mercer (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 391 - Revise and enhance penalties for criminal distribution of dangerous drugs

Sponsor: **Rep. Frank Fleming (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 481 - Protect critical infrastructure

Sponsor: Rep. Steve Gunderson (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 560 - Establish the Montana second amendment preservation act

Sponsor: **Rep. Steve Gunderson (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 553 - Limit time of suspended sentences for felony convictions

Sponsor: **Rep. Jimmy Patelis (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HJ 13 - Resolution for Article V US constitution convention of states

Sponsor: **Rep. Neil Duram (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 24, 2021

HB 592 - Generally revise absolute liability laws

Sponsor: Rep. Joe Read (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

House Judiciary Zoom Testimony 02.24.2021

Bill	Name	Location	Email	Position	Affiliation
HB-584	NO REMOTE TESTIMONY				
HB-578	Proponent				
HB-578	Aimee Grmoljez	Helena, Montana	agrmoljez@crowleyfleck.com	Proponent	City of Billings
HB-559	NO REMOTE TESTIMONY				
HB-480	Proponents				
HB-480	Adrian Miller	Billings, Montana	adrian.miller@sullivanmiller.com	Proponent	
HB-391	Proponents				
HB-391	Marty Lambert	Bozeman, Montana	marty.lambert@gallatin.mt.gov	Proponent	MT County Attorney's Association
HB-391	Scott Twito	Billings, Montana	stwito@co.yellowstone.mt.gov	Proponent	MT County Attorney's Association
HB-553	NO REMOTE TESTIMONY				
HB-481	Opponents				
HB-481	Darf Johnson	Helena, Montana	djohnson@meic.org	Opponent	MT Environmental Information Center
HB-481	Marcos Bullchild	Great Falls, Montana	bullchildmarcos333@gmail.com	Opponent	
HB-481	Dan Wenner	Billings, Montana	dwenner@elkriverlaw.com	Opponent	Fort Peck Assiniboine & Sioux Tribes
HB-481	Jestin Dupree	Poplar, Montana	jdupree@fortpecktribes.net	Opponent	Fort Peck Assiniboine & Sioux Tribes
HB-481	Pat Runs Through	Poplar, Montana	patricia.ironcloudrunsthrough@for	Opponent	
HB-481	Floyd Azure	Poplar, Montana	fazure@fortpecktribes.net	Opponent	
HB-481	Josh Butterfly	Great Falls, Montana	butterflyjosh4@gmail.com	Opponent	Opening Doors
HB-481	Dick Iverson	Helena, Montana	rji@midrivers.com	Opponent	
HB-481	Laurie Little Dog	Bozeman, Montana	laurielittledog@gmail.com	Opponent	
HB-481	Tajjin Perez	Billings, Montana	tperez@westernnativevoice.org	Opponent	
HB-481	Annie Ostby	Dagmar, Montana	a.a.ostby@gmail.com	Opponent	
HB-481	John Rundquist	Helena, Montana	rundquistador@gmail.com	Opponent	
HB-481	Terry Punt	Birney, Montana	jcazc@rangeweb.net	Opponent	
HB-481	Agnes Sullivan	Richey, Montana	jas@midrivers.com	Opponent	

HB-481	Dena Hoff	Glendive, Montana	dena.hoff47@gmail.com	Opponent	
HB-481	Joan Kresich	Livingston, Montana	joankreich@gmail.com	Opponent	
HB-481	Pat Wilson	Bainville, Montana	rpw34ster@gmail.com	Opponent	
HB-560	Proponents				
HB-560	Keith Kubista	Stevensville, Montana	kredtailhawk@gmail.com	Proponent	
HJ-13	Proponents				
HJ-13	Clifford Sisko	Miles City, Montana	csisko@outlook.com	Proponent	
HJ-13	Richard Pence	Billings, Montana	rapence45@gmail.com	Proponent	Big Sky World View Forum
HJ-13	Tracy Schuster	Glentana, Montana	imhappyru@hotmail.com	Proponent	
HJ-13	Casey Collins	Helena, Montana	ccolli1212@gmail.com	Proponent	
HJ-13	Opponents				
HJ-13	Thomas Millett	Marion, Montana	simplytom65@yahoo.com	Opponent	
HJ-13	Daniel Keder	Great Falls, Montana	kederds@hotmail.com	Opponent	
HJ-13	Edward Regan	Townsend, Montana	edregan@rytimber.com	Opponent	Broadwater Co. Rep. Central Comm.
HJ-13	Levi McEuen	Broadus, Montana	thegiftranch@gmail.com	Opponent	
HJ-13	C. Amel Samuelson McEu	Broadus, Montana	mceuen@mac.com	Opponent	
HB-581	Proponent				
HB-581	Ione Young	Billings, Montana	ionemyoung@charter.net	Proponent	Montana Moms Demand Gun Sense Action
HB-555	NO REMOTE TESTIMONY				
HB-557	NO REMOTE TESTIMONY				
HB-591	Opponent				
HB-591	Wyatt Glade	Miles City, Montana	w.glade@co.custer.mt.us	Opponent	MT County Attorneys Association
HB-591	Kelsen Young	Helena, Montana	kyoung@mcadsv.com	Opponent	MT Coalition Against Domestic & Sexual Violence
HB-592	Opponent				
HB-592	Wyatt Glade	Miles City, Montana	w.glade@co.custer.mt.us	Opponent	MT County Attorneys Association

HB-596	Opponent				
HB-596	Wyatt Glade	Miles City, Montana	w.glade@co.custer.mt.us	Opponent	MT County Attorneys Association
HB-552	Proponents				
HB-552	Jasmine Krotkov	Bozeman, Montana	jaminekrotkov4mt@gmail.com	Proponent	
HB-552	Mysell Lyday	Missoula, Montana	myshell@montanalaw.com	Proponent	MT Association of Criminal Defense Lawyers
HB-552	Travis McAdam	Helena, Montana	travis@mhrn.org	Proponent	MT Human Rights Network
HB-552	Lita Pepion	Billings, Montana	litapepion@hotmail.com	Proponent	Indian People's Action

**HOUSE JOURNAL
67TH LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 1, 2021

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker presiding. Invocation by Representative Anderson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Hayman, excused. Quorum present.

BILLS (J. Hinkle, Chair):

3/1/2021

Correctly printed: **HB 46, HB 91, HB 155, HB 206, HB 264, HB 289, HB 333, HB 336, HB 350, HB 356, HB 358, HB 360, HB 364, HB 378, HB 391, HB 396, HB 402, HB 404, HB 406, HB 422, HB 423, HB 433, HB 437, HB 438, HB 440, HB 442, HB 446, HB 447, HB 448, HB 449, HB 450, HB 454, HB 462, HB 475, HB 476, HB 477, HB 479, HB 481, HB 482, HB 484, HB 485, HB 487, HB 491, HB 494, HB 497, HB 503, HB 509, HB 530, HB 553, HB 554, HB 555, HB 556, HB 562, HB 570, HB 572, HB 573, HB 577, HB 583, HB 584, HB 588, HB 589, HB 594, HB 598, HB 608, HB 621, HJR 17, HJR 19, SB 140.**

Correctly engrossed: **HB 497, HB 537, HB 599, HB 604.**

Correctly enrolled: **HB 136, HB 140, HB 143, HB 171.**

Transmitted to the Senate: **HB 121, HB 230, HB 264, HB 289, HB 435, HB 437, HB 438, HB 448, HB 454, HB 462, HB 476, HB 482, HB 491, HB 503, HB 509, HB 530, HB 555, HB 556, SB 140.**

Signed by the President at 8:20 a.m., March 1, 2021: **HB 85, HB 94, HB 142.**

Delivered to the Governor for approval at 3:22 p.m., March 1, 2021: **HB 85, HB 94, HB 142.**

LEGISLATIVE ADMINISTRATION (J. Hinkle, Chair):

3/1/2021

MR. SPEAKER:

We, your committee on Legislative Administration recommend employment of the following pages of the House be ceased as of 12:00 p.m., Saturday, February 27, 2021:

Hunter Gibbs, Billings
Carter Jasper, St. Regis
Emma Stolte, Townsend
Harrison Walker, Missoula

and recommend the following pages of the House be employed as of 1:00 p.m., Monday, March 1, 2021:

Tyler Almquist, Helena
Kyle Lawson, Hot Springs
Madison Moe, Helena
Elaina Patten, Helena

Report Adopted.

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - MARCH 1, 2021

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 2/26/2021

HB 136, introduced by L. Sheldon-Galloway

HB 140, introduced by A. Regier

HB 171, introduced by S. Greef

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

2/26/2021

HB 167, introduced by M. Regier

Senate bills passed and transmitted to the House for concurrence: 2/26/2021

SB 133, introduced by G. Hertz

SB 240, introduced by T. Manzella

SB 286, introduced by S. Hinebauch

Senate joint resolution passed and transmitted to the House for concurrence: 2/26/2021

SJR 8, introduced by K. Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 133, introduced by G. Hertz, S. Fitzpatrick, T. McGillvray, M. Blasdel, W. Galt, D. Fern, T. Welch, B. Beard, M. Hopkins, J. Ellsworth, R. Knudsen, K. Bogner, J. Kassmier, referred to Taxation.

SB 240, introduced by T. Manzella, F. Garner, B. Usher, N. Duram, M. Binkley, referred to Judiciary.

SB 286, introduced by S. Hinebauch, referred to Local Government.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 8, introduced by K. Regier, referred to Judiciary.

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - MARCH 1, 2021

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 121 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 68

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 230 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - MARCH 1, 2021

Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 32

Voted absentee: None.

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 264 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: None.

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 289 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - MARCH 1, 2021

Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 86

Nays: Dunwell, Frazer, Kerr-Carpenter, Kortum, Olsen, Smith, Stafman, Stewart Peregoy, Tenenbaum, Weatherwax, Whiteman Pena, Windy Boy.

Total 12

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: Caferro.

Total 1

HB 435 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 437 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster,

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Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: None.

Total 0

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: Olsen.

Total 1

HB 438 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

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HB 448 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Hill, Hinkle C, Hinkle J, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, Mitchell, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Reksten, Ricci, Running Wolf, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.

Total 86

Nays: Binkley, Buttrey, Harvey, Hawk, Holmlund, McKamey, Mercer, Moore, Regier A, Regier M, Schillinger, Weatherwax, Windy Boy.

Total 13

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 454 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

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Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 462 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 476 passed as follows:

Yeas: Anderson, Bedey, Bertoglio, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Fern, Fitzgerald, Fleming, Frazer, Funk, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Kerns, Kerr-Carpenter, Knudsen C, Kortum, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Nave, Noland, Novak, Patelis, Putnam, Read, Reksten, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Thane, Trebas, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 62

Nays: Abbott, Bartel, Beard, Berglee, Binkley, Bishop, Brewster, Carlson, Duram, Farris-Olsen, Fielder, France, Fuller, Galloway, Hamilton, Keogh, Knudsen R, Lenz, Marler, Mercer, Moore,

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Olsen, Phalen, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Tenenbaum, Tschida, Usher, Vinton, Whiteman Pena, Windy Boy.
Total 37

Voted absentee: None.

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 482 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 98

Nays: Smith.
Total 1

Voted absentee: None.

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 491 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak,

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Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 503 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 509 passed as follows:

Yeas: Abbott, Bedey, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson,

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Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Funk, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Malone, Marler, McKamey, Mercer, Moore, Novak, Olsen, Putnam, Regier A, Regier M, Reksten, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 71

Nays: Anderson, Bartel, Beard, Berglee, Dooling, Duram, Fielder, Fuller, Galloway, Gunderson, Hill, Hinkle C, Kerns, Lenz, Loge, Marshall, Mitchell, Nave, Noland, Patelis, Phalen, Read, Ricci, Schillinger, Sheldon-Galloway, Skees, Tschida, Usher.

Total 28

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 530 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

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HB 555 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 556 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, France, Frazer, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 93

Nays: Carlson, Fuller, Hill, Lenz, Tschida.

Total 5

Voted absentee: None.

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Excused: Hayman.

Total 1

Absent or not voting: Fleming.

Total 1

SB 140 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tschida in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 46 - Representative Bedey moved **HB 46** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Funk, Garner, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Holmlund, Hopkins, Jones, Karjala,

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Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, Marshall, McKamey, Mercer, Novak, Olsen, Patelis, Putnam, Reksten, Ricci, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 65

Nays: Bartel, Beard, Berglee, Binkley, Brewster, Duram, Fielder, Fuller, Galloway, Gillette, Gunderson, Hill, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Mitchell, Moore, Nave, Noland, Phalen, Read, Regier A, Regier M, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Tschida, Usher, Zolnikov, Mr. Speaker.

Total 35

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 91 - Majority Leader Vinton moved consideration of **HB 91** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 155 - Representative Lenz moved **HB 155** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

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Absent or not voting: None.

Total 0

HB 206 - Representative Bedey moved **HB 206** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Nave.

Total 1

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 333 - Representative Usher moved **HB 333** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Bertoglio, Binkley, Bishop, Brewster, Buckley, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Kortum, Lenz, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov.

Total 89

Nays: Berglee, Buttrey, Carlson, Hinkle J, Knudsen C, Knudsen R, Ler, Stromswold, Tenenbaum, Mr. Speaker.

Total 10

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Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: Noland.

Total 1

HB 336 - Representative Ler moved **HB 336** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 91

Nays: Dunwell, Fern, Hayman, Kelker, Running Wolf, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 9

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 350 - Representative Putnam moved **HB 350** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Gillette, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, Marshall, McKamey, Mercer, Nave, Novak, Olsen, Patelis, Putnam, Read, Reksten, Running Wolf, Skees, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 66

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Nays: Bartel, Beard, Berglee, Binkley, Fielder, Fleming, Fuller, Galloway, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Mitchell, Moore, Noland, Phalen, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Stromswold, Trebas, Tschida, Usher, Zolnikov, Mr. Speaker.

Total 34

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 355 - Representative Kerns moved **HB 355** do pass. Motion **failed** as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Brewster, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 44

Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, McKamey, Novak, Olsen, Putnam, Reksten, Running Wolf, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 56

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 356 - Representative Lenz moved **HB 356** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hinkle C, Hinkle J, Holmlund, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, Mitchell, Moore, Nave, Noland, Olsen,

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Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stromswold, Tenenbaum, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.
Total 51

Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Funk, Garner, Hamilton, Harvey, Hawk, Hayman, Hill, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, McKamey, Mercer, Novak, Putnam, Reksten, Running Wolf, Stafman, Stewart Peregoy, Sullivan, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.
Total 49

Voted absentee: Hayman, No.

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 358 - Representative Mercer moved **HB 358** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 94

Nays: Farris-Olsen, Kerr-Carpenter, Kortum, Olsen, Stewart Peregoy, Usher.
Total 6

Voted absentee: Hayman, Aye.

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

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HB 360 - Representative M. Regier moved **HB 360** do pass. Motion carried as follows:

Yeas: Abbott, Bartel, Beard, Berglee, Binkley, Bishop, Brewster, Caferro, Carlson, Dooling, Dunwell, Duram, Farris-Olsen, Fielder, Fleming, France, Fuller, Galloway, Gillette, Gist, Gunderson, Hamilton, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Karjala, Kassmier, Keogh, Kerns, Knudsen C, Knudsen R, Kortum, Ler, Marler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 67

Nays: Anderson, Bedey, Bertoglio, Buckley, Buttrey, Curdy, Custer, Fern, Fitzgerald, Frazer, Funk, Garner, Greef, Harvey, Holmlund, Hopkins, Jones, Keane, Kelker, Kerr-Carpenter, Lenz, Loge, Malone, McKamey, Putnam, Smith, Stewart Peregoy, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 33

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 364 - Representative Trebas moved **HB 364** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.

Total 97

Nays: Caferro, Funk, Windy Boy.

Total 3

Voted absentee: Hayman, Aye.

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Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 378 - Representative Thane moved **HB 378** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Nave, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 92

Nays: Binkley, Carlson, Hinkle C, Hinkle J, Moore, Noland, Regier M, Tschida.

Total 8

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 396 - Representative Kassmier moved **HB 396** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 100

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Nays: None.

Total 0

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 402 - Representative Galloway moved **HB 402** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Duram, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Hopkins, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 422 - Representative Kortum moved **HB 422** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, McKamey,

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Total 68

Nays: Bartel, Berglee, Binkley, Carlson, Fielder, Fleming, Fuller, Hill, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Marshall, Mitchell, Nave, Noland, Phalen, Read, Regier A, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Walsh, Mr. Speaker.

Total 32

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 423 - Representative Lenz moved **HB 423** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 96

Nays: Binkley, Hamilton, Moore, Regier M.

Total 4

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

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HB 433 - Representative Ler moved **HB 433** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Jones, Kassmier, Keane, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 87

Nays: Abbott, Dunwell, Farris-Olsen, France, Hayman, Kelker, Keogh, Kortum, Olsen, Stafman, Whiteman Pena.

Total 11

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: Hopkins, Karjala.

Total 2

HB 440 - Representative Curdy moved **HB 440** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Ler, Loge, Malone, Marler, Mercer, Moore, Novak, Olsen, Read, Reksten, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Mr. Speaker.

Total 66

Nays: Bartel, Beard, Berglee, Binkley, Brewster, Fielder, Galloway, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Marshall, McKamey, Mitchell, Nave, Noland, Patelis, Phalen, Putnam, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Windy Boy, Zolnikov.

Total 34

Voted absentee: Hayman, Aye.

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Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 442 - Representative Skees moved **HB 442** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Buttrey, Carlson, Dooling, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 53

Nays: Abbott, Bedey, Bishop, Brewster, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 47

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 446 - Representative Marshall moved **HB 446** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler,

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Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 447 - Representative Mercer moved **HB 447** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier M, Reksten, Ricci, Schillinger, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 68

Nays: Abbott, Bishop, Buckley, Curdy, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 30

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: Regier A, Seekins-Crowe.

Total 2

HB 449 - Representative Garner moved **HB 449** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland,

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Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: None.

Total 0

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: Regier M, Tenenbaum.

Total 2

HB 450 - Representative Gunderson moved **HB 450** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Hinkle J.

Total 1

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

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HB 453 - Representative Galloway moved **HB 453** do pass. Motion **failed** as follows:

Yeas: Anderson, Bartel, Bedey, Berglee, Binkley, Brewster, Buttrey, Fitzgerald, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Holmlund, Hopkins, Jones, Kassmier, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Phalen, Putnam, Regier A, Regier M, Reksten, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Trebas, Tschida, Vinton, Welch, Whitman.

Total 41

Nays: Abbott, Beard, Bertoglio, Bishop, Buckley, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fleming, France, Frazer, Fuller, Funk, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Karjala, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Marler, Nave, Novak, Olsen, Patelis, Read, Ricci, Running Wolf, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Usher, Walsh, Weatherwax, Whiteman Pena, Windy Boy, Zolnikov, Mr. Speaker.

Total 59

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 475 - Representative Skees moved **HB 475** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 69

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Duram, Farris-Olsen, Fern, France, Funk, Hamilton, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: Hayman, No.

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Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 477 - Representative Zolnikov moved **HB 477** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: Carlson, Mercer.

Total 2

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: Harvey.

Total 1

HB 479 - Representative Sullivan moved **HB 479** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 92

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Nays: Beard, Binkley, Fielder, Garner, Lenz, Mercer, Regier M, Ricci.

Total 8

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 481 - Representative Gunderson moved **HB 481** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 484 - Representative Gillette moved **HB 484** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall,

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Total 86

Nays: Dooling, Fuller, Hinkle J, Knudsen C, Knudsen R, Moore, Sheldon-Galloway, Stewart Peregoy, Stromswold, Weatherwax, Whiteman Pena, Whitman, Windy Boy, Zolnikov.

Total 14

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 485 - Representative Gillette moved **HB 485** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Carlson, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hayman, Hill, Hinkle C, Hinkle J, Hopkins, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 53

Nays: Abbott, Anderson, Bedey, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Holmlund, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 46

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: Reksten.

Total 1

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HB 494 - Representative Harvey moved **HB 494** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle J, Holmlund, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: Hinkle C, Hopkins.

Total 2

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 497 - Representative Mercer moved **HB 497** do pass.

HB 497 - Representative Mercer moved **HB 497**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "5-2-302,"

Strike: "5-12-205,"

2. Page 2.

Following: line 8

Insert: "(5) The long-range planning joint subcommittee may refer issues to an interim budget committee provided for in subsection (2) if it determines that program implementation and oversight on issues considered by the subcommittee during the session could be enhanced given the duties in [section 4]."

3. Page 3, line 16.

Following: "quarterly"

Insert: "and not fewer than half of each committee's meetings must be held by videoconference"

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4. Page 4, line 13 through page 5, line 13.

Strike: section 7 in its entirety

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: Hamilton, Olsen.

Total 2

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 497 - Representative Mercer moved **HB 497**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 70

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 30

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Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 553 - Representative Patelis moved **HB 553** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Sheldon-Galloway.

Total 1

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 562 - Representative Dooling moved **HB 562** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf,

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Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 98

Nays: Whiteman Pena, Windy Boy.

Total 2

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 91 - Representative Farris-Olsen moved **HB 91** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Berglee, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Dooling, Dunwell, Farris-Olsen, Fern, Fielder, Fleming, France, Funk, Gillette, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Loge, Malone, Marler, McKamey, Noland, Novak, Olsen, Patelis, Putnam, Regier A, Reksten, Ricci, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Windy Boy, Zolnikov, Mr. Speaker.

Total 70

Nays: Bartel, Bertoglio, Custer, Duram, Fitzgerald, Frazer, Fuller, Galloway, Garner, Gist, Hill, Hinkle C, Kassmier, Kerns, Lenz, Ler, Marshall, Mercer, Mitchell, Moore, Nave, Phalen, Read, Regier M, Schillinger, Sheldon-Galloway, Skees, Trebas, Tschida, Whitman.

Total 30

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Vinton moved the Committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Tschida moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern,

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Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 91

Nays: Karjala, Keane, Olsen, Tschida, Windy Boy.

Total 5

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: McKamey, Read, Whiteman Pena.

Total 3

MOTIONS

Majority Leader Vinton moved to re-refer **HB 46** to the Appropriations Committee. Without objection, so ordered.

Majority Leader Vinton moved to re-refer **HB 206** to the Appropriations Committee. Without objection, so ordered.

Majority Leader Vinton moved to re-refer **HB 336** to the Appropriations Committee. Without objection, so ordered.

Majority Leader Vinton moved to re-refer **HB 484** to the Appropriations Committee. Without objection, so ordered.

Majority Leader Vinton moved to re-refer **HB 497** to the Appropriations Committee. Without objection, so ordered.

Majority Leader Vinton moved to re-refer **HB 553** to the Appropriations Committee. Without objection, so ordered.

House recessed.

House reconvened.

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REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Jones, Chair): 3/1/2021

HB 46, do pass. Report adopted.
HB 206, do pass. Report adopted.
HB 336, do pass. Report adopted.
HB 391, do pass. Report adopted.
HB 406, do pass. Report adopted.
HB 484, do pass. Report adopted.
HB 497, do pass. Report adopted.
HB 553, do pass. Report adopted.

EDUCATION (Berglee, Chair): 2/24/2021

HB 572, do pass. Report adopted.
HB 583, do pass. Report adopted.

ENERGY, TECHNOLOGY AND FEDERAL RELATIONS (Skees, Chair): 2/26/2021

HB 570, do pass. Report adopted.
HB 577, do pass. Report adopted.

JUDICIARY (Usher, Chair): 2/26/2021

HB 537, introduced bill, be amended as follows:

1. Page 1.

Following: line 15

Insert: "**NEW SECTION. Section 1. Venue generally.** Except as otherwise provided by this chapter, any challenge to an action taken by the department or to a decision issued by the board pursuant to this chapter must be brought in the district court in the county where the activity that is the subject of the challenge is proposed to occur. If an activity is proposed to occur or will occur in more than one county, the challenge may be brought in the district court in any of the counties where the activity is proposed to occur or will occur."

Renumber: subsequent sections

2. Page 53.

Following: line 18

Insert: "**NEW SECTION. Section 54. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 75, chapter 5, part 1, and the provisions of Title 75, chapter 5, part 1, apply to [section 1]"

And, as amended, do pass. Report adopted.

HB 584, do pass. Report adopted.

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NATURAL RESOURCES (Gunderson, Chair):

2/26/2021

HB 599, introduced bill, be amended as follows:

1. Page 7, line 17.

Strike: "82-4-432"

Insert: "this section"

2. Page 11, line 28.

Strike: "a zoning form from the county or counties where the operation is proposed"

Insert: "a statement from the local governing body having jurisdiction over the area to be mined certifying that the proposed sand and gravel opencut operation complies with applicable local zoning regulations adopted under Title 76, chapter 2, and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to this section"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (McKamey, Chair):

2/25/2021

HB 588, do pass. Report adopted.

HB 604, introduced bill, be amended as follows:

1. Page 1, following line 14.

Amend table to read:

"Below 15,000	85 87 85% to 90 92 94%
15,000 to 29,999	76 78 76% to 90 92 94%
30,000 to 74,999	74 76 74% to 90 92 94%
75,000 and over	72 74 72% to 90 92 94%"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Loge, Chair):

2/24/2021

HB 598, do pass. Report adopted.

HB 608, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/27/2021

SB 16, introduced by J. Gross

SB 100, introduced by C. Smith

SB 159, introduced by G. Hertz

SB 192, introduced by R. Osmundson

SB 230, introduced by M. Lang

SB 247, introduced by E. Boldman

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SB 248, introduced by E. Boldman
SB 249, introduced by M. Lang
SB 258, introduced by D. Ankney
SB 265, introduced by S. Fitzpatrick
SB 266, introduced by S. Fitzpatrick
SB 294, introduced by J. Esp

Senate joint resolutions passed and transmitted to the House for concurrence: 2/27/2021

SJR 6, introduced by J. Ellis
SJR 9, introduced by G. Hertz
SJR 10, introduced by J. Small

Senate bills passed and transmitted to the House for concurrence: 3/1/2021

SB 188, introduced by M. Lang
SB 200, introduced by D. Sands
SB 201, introduced by S. Fitzpatrick
SB 206, introduced by M. Sweeney
SB 215, introduced by C. Glimm
SB 217, introduced by J. Small
SB 218, introduced by D. Sands
SB 220, introduced by J. Cohenour
SB 221, introduced by T. Gauthier
SB 226, introduced by S. Fitzpatrick
SB 234, introduced by G. Vance
SB 251, introduced by C. Smith
SB 260, introduced by S. Fitzpatrick
SB 271, introduced by C. Glimm
SB 277, introduced by T. McGillvray
SB 278, introduced by G. Hertz
SB 318, introduced by T. Manzella
SB 348, introduced by W. Sales
SB 354, introduced by S. Hinebauch

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 16, introduced by J. Gross (by request of the State-Tribal Relations Committee), referred to Human Services.
SB 100, introduced by C. Smith, referred to Human Services.
SB 159, introduced by G. Hertz, G. Vance, M. Blasdel, W. Galt, C. Knudsen, S. Vinton, T. Welch, B. Beard, J. Small, J. Fuller, R. Knudsen, referred to Taxation.

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SB 188, introduced by M. Lang, referred to Education.

SB 192, introduced by R. Osmundson, referred to Appropriations.

SB 200, introduced by D. Sands, B. Mercer, referred to Judiciary.

SB 206, introduced by M. Sweeney, L. Jones, referred to Education.

SB 215, introduced by C. Glimm, M. Cuffe, R. Osmundson, D. Kary, T. McGillvray, D. Howard, K. Regier, C. Smith, G. Vance, J. Welborn, M. Blasdel, B. Keenan, G. Hertz, M. Lang, D. Lenz, W. Galt, S. Berglee, B. Brown, J. Hinkle, T. Manzella, W. McKamey, M. Noland, S. Hinebauch, S. Gunderson, J. Trebas, B. Usher, S. Vinton, F. Fleming, J. Ellsworth, K. Bogner, B. Gillespie, S. Greef, J. Carlson, K. Zolnikov, P. Fielder, E. Hill, J. Gillette, C. Hinkle, M. Bertoglio, M. Binkley, C. Friedel, referred to Judiciary.

SB 218, introduced by D. Sands, referred to Business and Labor.

SB 220, introduced by J. Cohenour, J. Welborn, M. Blasdel, F. Garner, W. McKamey, B. Usher, W. Sales, R. Tempel, F. Fleming, J. Ellsworth, B. Mercer, C. Friedel, referred to Judiciary.

SB 221, introduced by T. Gauthier, referred to Local Government.

SB 226, introduced by S. Fitzpatrick, referred to State Administration.

SB 230, introduced by M. Lang, M. Cuffe, R. Knudsen, referred to Natural Resources.

SB 234, introduced by G. Vance, referred to Business and Labor.

SB 247, introduced by E. Boldman, E. Buttrey, D. Salomon, S. Fitzpatrick, B. Bennett, J. Keane, J. Welborn, M. Blasdel, T. Jacobson, M. Lang, R. Lynch, W. Galt, F. Garner, C. Knudsen, J. Patelis, S. Morigeau, J. Small, J. Gross, T. Gauthier, M. Hopkins, J. Ellsworth, D. Harvey, K. Zolnikov, A. Buckley, D. Tenenbaum, referred to Business and Labor.

SB 248, introduced by E. Boldman, E. Buttrey, D. Salomon, S. Fitzpatrick, B. Bennett, J. Keane, J. Welborn, M. Blasdel, T. Jacobson, M. Lang, R. Lynch, W. Galt, F. Garner, C. Knudsen, J. Patelis, S. Morigeau, J. Small, J. Gross, T. Gauthier, M. Hopkins, J. Ellsworth, D. Harvey, K. Zolnikov, A. Buckley, D. Tenenbaum, referred to Education.

SB 249, introduced by M. Lang, R. Knudsen, referred to Natural Resources.

SB 251, introduced by C. Smith, referred to Business and Labor.

SB 258, introduced by D. Ankney, referred to Natural Resources.

SB 260, introduced by S. Fitzpatrick, M. Blasdel, J. Small, J. Ellsworth, referred to Business and Labor.

SB 271, introduced by C. Glimm, C. Smith, G. Vance, B. Brown, M. Noland, B. Usher, referred to State Administration.

SB 277, introduced by T. McGillvray, D. Skees, J. Read, R. Osmundson, D. Kary, D. Howard, K. Regier, C. Smith, G. Vance, J. Welborn, M. Blasdel, D. Ankney, B. Keenan, B. Molnar, C. Glimm, G. Hertz, D. Lenz, W. Galt, B. Brown, T. Manzella, M. Noland, V. Ricci, B. Tschida, S. Hinebauch, M. Regier, J. Patelis, S. Vinton, J. Ellsworth, J. Fuller, R. Knudsen, K. Bogner, J. Kassmier, T. Moore, B. Ler, B. Phalen, F. Nave, L. Brewster, K. Zolnikov, A. Regier, P. Fielder, K. Seekins-Crowe, M. Stromswold, M. Binkley, C. Friedel, referred to Judiciary.

SB 278, introduced by G. Hertz, S. Fitzpatrick, D. Kary, D. Howard, C. Smith, G. Vance, M. Blasdel, W. Galt, S. Berglee, C. Knudsen, S. Vinton, J. Ellsworth, S. Galloway, referred to Judiciary.

SB 294, introduced by J. Esp, referred to Local Government.

SB 318, introduced by T. Manzella, referred to Judiciary.

SB 348, introduced by W. Sales, referred to Natural Resources.

SB 354, introduced by S. Hinebauch, referred to Judiciary.

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The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 6, introduced by J. Ellis, referred to Natural Resources.

SJR 9, introduced by G. Hertz, E. Buttrey, M. Cuffe, D. Salomon, R. Osmundson, B. Bennett, D. Howard, K. Regier, C. Smith, J. Pomnichowski, M. Blasdel, D. Ankney, J. Cohenour, C. Glimm, T. Jacobson, W. Galt, S. Berglee, M. Noland, B. Tschida, D. Fern, C. Knudsen, S. Vinton, K. Abbott, J. Small, J. Ellsworth, E. Kerr-Carpenter, K. Bogner, J. Kassmier, B. Ler, B. Phalen, J. Schillinger, C. Hinkle, M. Binkley, C. Friedel, J. Pomnichowski, referred to State Administration.

SJR 10, introduced by J. Small, J. Welborn, D. Ankney, referred to Energy, Technology and Federal Relations.

SJR 16, introduced by S. Hinebauch, E. Buttrey, D. Skees, J. Read, S. Fitzpatrick, J. Keane, G. Vance, M. Blasdel, L. Jones, D. Lenz, W. Galt, S. Berglee, G. Custer, F. Garner, J. Hinkle, K. Holmlund, W. McKamey, M. Noland, V. Ricci, B. Tschida, S. Gunderson, M. Regier, D. Loge, R. Fitzgerald, L. Sheldon-Galloway, J. Trebas, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, T. Welch, B. Beard, M. Hopkins, F. Fleming, . Duram, J. Fuller, . Knudsen, J. Dooling, K. Bogner, J. Kassmier, B. Mercer, T. Moore, D. Bedey, S. Greef, B. Ler, B. Phalen, F. Nave, J. Carlson, L. Brewster, K. Zolnikov, A. Regier, L. Reksten, P. Fielder, S. Kerns, S. Galloway, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, M. Malone, J. Gillette, C. Hinkle, K. Walsh, M. Bertoglio, G. Frazer, R. Marshall, M. Thane, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Buttrey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 487 - Representative Windy Boy moved **HB 487** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Malone, Marler, Marshall, McKamey, Nave, Novak, Olsen, Patelis, Putnam, Reksten, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 66

Nays: Beard, Berglee, Binkley, Fielder, Fleming, Fuller, Galloway, Gillette, Gunderson, Hill, Kassmier, Kerns, Ler, Loge, Mercer, Mitchell, Moore, Noland, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 34

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Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 495 - Representative Caferro moved **HB 495** do pass. Motion carried as follows:

Yeas: Abbott, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, McKamey, Mercer, Novak, Olsen, Putnam, Read, Reksten, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 57

Nays: Anderson, Bartel, Beard, Berglee, Binkley, Brewster, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Marshall, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 43

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 496 - Representative Mercer moved **HB 496** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf,

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Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 498 - Representative Gunderson moved **HB 498** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 499 - Representative Trebas moved **HB 499** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fielder,

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Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Fern.

Total 1

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 501 - Representative Trebas moved **HB 501** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Whitman, Zolnikov, Mr. Speaker.

Total 59

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Windy Boy.

Total 41

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

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HB 502 - Representative Sheldon-Galloway moved **HB 502** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Carlson, Custer, Dooling, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Whitman, Zolnikov, Mr. Speaker.

Total 63

Nays: Abbott, Bishop, Buckley, Buttrey, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Welch, Whiteman Pena, Windy Boy.

Total 37

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 504 - Representative C. Knudsen moved **HB 504** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 70

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 30

Voted absentee: Hayman, No.

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Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 506 - Representative Fielder moved **HB 506** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stewart Peregoy, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 90

Nays: Farris-Olsen, France, Keogh, Kortum, Olsen, Stafman, Sullivan, Tenenbaum, Thane, Whiteman Pena.

Total 10

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 510 - Representative Gunderson moved **HB 510** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 72

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Nays: Abbott, Bishop, Buckley, Curdy, Dunwell, Farris-Olsen, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena.
Total 28

Voted absentee: Hayman, No.

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 515 - Representative Trebas moved **HB 515** do pass. Motion **failed** as follows:

Yeas: Anderson, Bartel, Beard, Berglee, Binkley, Carlson, Duram, Fielder, Fuller, Galloway, Gillette, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mitchell, Moore, Nave, Noland, Phalen, Regier A, Regier M, Ricci, Schillinger, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.
Total 41

Nays: Abbott, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Funk, Garner, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Mercer, Novak, Olsen, Patelis, Putnam, Read, Reksten, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.
Total 59

Voted absentee: Hayman, No.

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 516 - Representative Harvey moved **HB 516** do pass. Motion carried as follows:

Yeas: Anderson, Beard, Bedey, Berglee, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Funk, Garner, Gist, Greef, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, McKamey,

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Novak, Patelis, Read, Reksten, Ricci, Running Wolf, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bartel, Binkley, Brewster, Duram, Fielder, Fuller, Galloway, Gillette, Gunderson, Hamilton, Hill, Hinkle C, Hinkle J, Hopkins, Kerns, Lenz, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Olsen, Phalen, Putnam, Regier A, Regier M, Schillinger, Seekins-Crowe, Skees, Tschida, Usher.

Total 33

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 517 - Representative Mercer moved **HB 517** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 70

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena.

Total 29

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: Windy Boy.

Total 1

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HB 519 - Representative Zolnikov moved **HB 519** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 69

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Marler, Nave, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 520 - Representative Marler moved **HB 520** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Noland, Novak, Olsen, Patelis, Putnam, Read, Reksten, Running Wolf, Schillinger, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 75

Nays: Bartel, Berglee, Binkley, Fielder, Galloway, Gillette, Gunderson, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Lenz, Mitchell, Moore, Nave, Phalen, Regier A, Regier M, Ricci, Seekins-Crowe, Sheldon-Galloway, Skees, Tschida, Usher.

Total 25

Voted absentee: Hayman, Aye.

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Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 526 - Representative Read moved **HB 526** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 527 - Representative Nave moved **HB 527** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

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Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 35

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 538 - Representative Duram moved **HB 538** do pass. Motion **failed** as follows:

Yeas: Abbott, Buckley, Duram, Farris-Olsen, Fitzgerald, Gist, Kerr-Carpenter, Knudsen R, Malone, Nave, Olsen, Phalen, Read, Running Wolf, Smith, Stromswold, Tenenbaum, Tschida, Zolnikov.

Total 19

Nays: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Fern, Fielder, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Knudsen C, Kortum, Lenz, Ler, Loge, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Novak, Patelis, Putnam, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Sullivan, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Mr. Speaker.

Total 81

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 539 - Representative Usher moved **HB 539** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum,

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Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted absentee: Hayman, Aye.

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 541 - Representative Galloway moved **HB 541** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Custer, Dooling, Duram, Fielder, Fitzgerald, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle J, Holmlund, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 60

Nays: Abbott, Bishop, Buckley, Caferro, Carlson, Curdy, Dunwell, Farris-Olsen, Fern, Fleming, France, Funk, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Mercer, Nave, Novak, Olsen, Putnam, Running Wolf, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 39

Voted absentee: Hayman, No.

Excused: Hayman.
Total 1

Absent or not voting: Hopkins.
Total 1

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HB 543 - Representative Phalen moved **HB 543** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 548 - Representative Patelis moved **HB 548** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 95

Nays: Caferro, Dunwell, Olsen, Sheldon-Galloway, Whiteman Pena.

Total 5

Voted absentee: Hayman, Aye.

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Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 549 - Representative Kerns moved **HB 549** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: Abbott, Kelker, Olsen.

Total 3

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 554 - Representative Kassmier moved **HB 554** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 79

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Nays: Curdy, Dunwell, Farris-Olsen, France, Hamilton, Harvey, Hawk, Hayman, Karjala, Keogh, Kortum, Marler, Novak, Olsen, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena.

Total 21

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 558 - Representative Noland moved **HB 558** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Harvey.

Total 1

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 559 - Representative Mercer moved **HB 559** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum,

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Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 564 - Representative Noland moved **HB 564** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Whiteman Pena, Windy Boy.

Total 35

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

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HB 566 - Representative Welch moved **HB 566** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: Karjala, Olsen, Tschida.

Total 3

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 574 - Representative Lenz moved **HB 574** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Hayman, Aye.

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Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 575 - Representative Seekins-Crowe moved **HB 575** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Carlson, Dooling, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Zolnikov, Mr. Speaker.

Total 52

Nays: Abbott, Anderson, Bedey, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge,

Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 48

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 576 - Representative Schillinger moved **HB 576** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 69

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Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: Hayman, No.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 578 - Representative Moore moved **HB 578** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 580 - Representative Running Wolf moved **HB 580** do pass. Motion carried as follows:

Yeas: Abbott, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, McKamey, Novak, Olsen, Putnam, Reksten, Running Wolf, Smith, Stafman,

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Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 52

Nays: Anderson, Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 48

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 586 - Representative Galloway moved **HB 586** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

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Absent or not voting: None.

Total 0

HB 590 - Representative Kerns moved **HB 590** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Hayman, Aye.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Vinton moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Windy Boy, Zolnikov, Mr. Speaker.

Total 94

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Nays: Karjala, Olsen.

Total 2

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: Buttrey, Malone, Whitman.

Total 3

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Noland, Chair):

2/26/2021

HB 589, do pass. Report adopted.

ENERGY, TECHNOLOGY AND FEDERAL RELATIONS (Skees, Chair):

2/26/2021

HB 573, do pass. Report adopted.

MOTIONS

Representative Galloway moved to reconsider action on **HB 453** and that **HB 453** be placed on second reading on the 44th Legislative Day.

Motion **passed** as follows:

Yeas: Anderson, Bartel, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Custer, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Mr. Speaker.

Total 58

Nays: Abbott, Beard, Bishop, Buckley, Caferro, Carlson, Curdy, Dooling, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hinkle J, Holmlund, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen R, Kortum, Marler, Novak, Olsen, Ricci, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Whitman, Windy Boy, Zolnikov.

Total 41

Voted absentee: None.

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Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vinton moved the House adjourn until 8:00 a.m., Tuesday, March 2, 2021. Motion carried.

House adjourned at 5:53 p.m.

CAROLYN TSCHIDA
Chief Clerk of the House

WYLIE GALT
Speaker of the House

**HOUSE JOURNAL
67TH LEGISLATURE
FORTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 2, 2021

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker Pro Tempore presiding. Invocation by Representative Beard. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Frazer and Reksten, excused. Quorum present.

BILLS (J. Hinkle, Chair):

3/2/2021

Correctly printed: **HB 487, HB 495, HB 496, HB 498, HB 499, HB 501, HB 502, HB 504, HB 506, HB 510, HB 516, HB 517, HB 519, HB 520, HB 526, HB 527, HB 539, HB 541, HB 543, HB 548, HB 549, HB 554, HB 558, HB 559, HB 564, HB 566, HB 574, HB 575, HB 576, HB 578, HB 580, HB 586, HB 590.**

Transmitted to the Senate: **HB 46, HB 91, HB 155, HB 206, HB 333, HB 336, HB 350, HB 358, HB 360, HB 364, HB 378, HB 391, HB 396, HB 402, HB 406, HB 423, HB 433, HB 440, HB 446, HB 447, HB 449, HB 450, HB 475, HB 477, HB 479, HB 481, HB 484, HB 487, HB 494, HB 495, HB 496, HB 497, HB 498, HB 499, HB 501, HB 502, HB 504, HB 506, HB 510, HB 516, HB 517, HB 519, HB 520, HB 526, HB 527, HB 539, HB 541, HB 543, HB 548, HB 549, HB 553, HB 554, HB 558, HB 559, HB 562, HB 564, HB 566, HB 574, HB 576, HB 578, HB 580, HB 586, HB 590.**

Examined by the sponsor and found to be correct: **HB 136, HB 140, HB 143, HB 171.**

Signed by the Speaker at 3:00 p.m., March 2, 2021: **HB 136, HB 140, HB 143, HB 171.**

Signed by the Chief Clerk at 3:05 p.m., March 2, 2021: **HB 136, HB 140, HB 143, HB 171.**

Signed by the President at 3:29 p.m., March 2, 2021: **HB 136, HB 140, HB 143, HB 171.**

Delivered to the Governor for approval at 3:59 p.m., March 2, 2021: **HB 143.**

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 46 passed as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Funk, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, Marshall, McKamey, Mercer, Novak, Olsen, Patelis, Putnam, Read, Ricci, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov.

Total 71

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Nays: Bartel, Beard, Berglee, Binkley, Duram, Fielder, Fuller, Galloway, Gunderson, Hill, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Mitchell, Moore, Nave, Noland, Phalen, Regier A, Regier M, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Mr. Speaker.

Total 28

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 91 passed as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Funk, Garner, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Kortum, Loge, Malone, Marler, McKamey, Novak, Olsen, Putnam, Regier A, Ricci, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 67

Nays: Bartel, Berglee, Binkley, Duram, Fielder, Fuller, Galloway, Gillette, Gist, Hill, Hopkins, Kassmier, Kerns, Knudsen R, Lenz, Ler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier M, Schillinger, Sheldon-Galloway, Skees, Trebas, Tschida, Usher.

Total 32

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 155 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger,

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Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 206 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: Nave.

Total 1

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 333 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald,

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Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen R, Kortum, Lenz, Loge, Malone, Marler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov.

Total 88

Nays: Buttrey, Carlson, Hinkle C, Hinkle J, Knudsen C, Ler, McKamey, Read, Stromswold, Tenenbaum, Mr. Speaker.

Total 11

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 336 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 95

Nays: Dunwell, Fern, Karjala, Olsen.

Total 4

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

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HB 350 passed as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, McKamey, Mercer, Nave, Novak, Olsen, Putnam, Read, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 64

Nays: Bartel, Berglee, Binkley, Fielder, Fleming, Fuller, Galloway, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Marshall, Mitchell, Moore, Noland, Patelis, Phalen, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Zolnikov, Mr. Speaker.

Total 35

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 356 failed as follows:

Yeas: Anderson, Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gunderson, Hayman, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, Mitchell, Moore, Nave, Noland, Olsen, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Tenenbaum, Trebas, Tschida, Usher, Vinton, Walsh, Zolnikov, Mr. Speaker.

Total 49

Nays: Abbott, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Gist, Greef, Hamilton, Harvey, Hawk, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, McKamey, Mercer, Novak, Patelis, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Thane, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 50

Voted absentee: None.

Excused: Reksten.

Total 1

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Absent or not voting: None.

Total 0

HB 358 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 90

Nays: Farris-Olsen, Kerr-Carpenter, Kortum, Olsen, Stewart Peregoy, Weatherwax, Whiteman Pena, Windy Boy.

Total 8

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: Hayman.

Total 1

HB 360 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Binkley, Bishop, Brewster, Caferro, Carlson, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fleming, France, Fuller, Funk, Galloway, Gillette, Gist, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Hopkins, Karjala, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen R, Kortum, Ler, Malone, Marler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 72

Nays: Bertoglio, Buckley, Buttrey, Curdy, Custer, Fitzgerald, Frazer, Garner, Greef, Holmlund, Jones, Kassmier, Keane, Knudsen C, Lenz, Loge, McKamey, Putnam, Running Wolf, Smith, Stewart Peregoy, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 27

Voted absentee: None.

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Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 364 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 95

Nays: Caferro, Olsen, Whiteman Pena, Windy Boy.

Total 4

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 378 passed as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Novak, Olsen, Phalen, Putnam, Read, Regier A, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 84

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Nays: Bartel, Binkley, Carlson, Fielder, Hinkle C, Hinkle J, Hopkins, Moore, Patelis, Regier M, Tschida, Usher, Weatherwax, Whiteman Pena.

Total 14

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: France.

Total 1

HB 391 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 72

Nays: Abbott, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Olsen, Running Wolf, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.

Total 27

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 396 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger,

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Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: Weatherwax.

Total 1

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 402 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 64

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Duram, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: Mercer.

Total 1

HB 406 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef,

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Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Zolnikov, Mr. Speaker.

Total 63

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Funk, Garner, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Whitman, Windy Boy.

Total 36

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 422 failed as follows:

Yeas: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Galloway, Hamilton, Harvey, Hawk, Hayman, Holmlund, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Malone, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Windy Boy.

Total 35

Nays: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.

Total 64

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

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HB 423 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 93

Nays: Binkley, Hamilton, Moore, Regier M, Tenenbaum.

Total 5

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: Karjala.

Total 1

HB 433 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 93

Nays: Dunwell, Hawk, Keogh, Kortum, Olsen, Stafman.

Total 6

Voted absentee: None.

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Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 440 passed as follows:

Yeas: Abbott, Anderson, Bedey, Berglee, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, Mercer, Moore, Novak, Olsen, Running Wolf, Schillinger, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Mr. Speaker.

Total 66

Nays: Bartel, Beard, Binkley, Brewster, Dooling, Fielder, Galloway, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Marshall, McKamey, Mitchell, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Sheldon-Galloway, Skees, Zolnikov.

Total 32

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: Whiteman Pena.

Total 1

HB 442 failed as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Carlson, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 48

Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 51

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Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 446 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 447 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.

Total 71

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Nays: Abbott, Bishop, Buckley, Curdy, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Weatherwax, Windy Boy.
Total 28

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

HB 449 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

HB 450 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge,

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Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 96

Nays: Hinkle J, Olsen.

Total 2

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: Gunderson.

Total 1

HB 475 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 68

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

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HB 477 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: Carlson, Mercer.

Total 2

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 479 passed as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Moore, Nave, Noland, Novak, Olsen, Patelis, Putnam, Regier A, Running Wolf, Seekins-Crowe, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 82

Nays: Beard, Binkley, Fielder, Gillette, Hill, Lenz, Mercer, Mitchell, Phalen, Read, Regier M, Ricci, Schillinger, Skees, Tschida, Usher.

Total 16

Voted absentee: None.

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Excused: Reksten.

Total 1

Absent or not voting: Galloway.

Total 1

HB 481 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 484 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Kortum, Lenz, Ler, Malone, Marshall, McKamey, Mercer, Mitchell, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Mr. Speaker.

Total 82

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Nays: Abbott, Caferro, Farris-Olsen, Fuller, Funk, Hayman, Hinkle J, Knudsen C, Knudsen R, Loge, Marler, Moore, Nave, Olsen, Sheldon-Galloway, Stewart Peregoy, Zolnikov.
Total 17

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

HB 485 failed as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Carlson, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.
Total 44

Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, McKamey, Novak, Olsen, Patelis, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.
Total 55

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

HB 487 passed as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz,

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Malone, Marler, Marshall, McKamey, Nave, Novak, Olsen, Patelis, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 64

Nays: Beard, Berglee, Binkley, Dooling, Duram, Fielder, Fleming, Fuller, Galloway, Gunderson, Hill, Hinkle J, Kassmier, Ler, Loge, Mercer, Mitchell, Moore, Noland, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 35

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 494 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: Hinkle J.

Total 1

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

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HB 495 passed as follows:

Yeas: Abbott, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, McKamey, Mercer, Novak, Olsen, Putnam, Read, Regier A, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 63

Nays: Anderson, Bartel, Beard, Binkley, Dooling, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Hinkle C, Hinkle J, Hopkins, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Marshall, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Regier M, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 36

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 496 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 96

Nays: Farris-Olsen, Olsen, Sullivan.

Total 3

Voted absentee: None.

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Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 497 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 72

Nays: Abbott, Bishop, Curdy, Dunwell, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 27

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 498 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler,

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Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 33

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

HB 499 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 97

Nays: Hopkins, Olsen.
Total 2

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

HB 501 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Buttrey, Carlson, Dooling, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall,

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Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 53

Nays: Abbott, Bishop, Brewster, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Hopkins, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Putnam, Read, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 46

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 502 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 64

Nays: Abbott, Bishop, Buckley, Buttrey, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: Karjala.

Total 1

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HB 504 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 506 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 87

Nays: Abbott, Keogh, Kortum, Olsen, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 12

Voted absentee: None.

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Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 510 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 516 passed as follows:

Yeas: Anderson, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fleming, France, Frazer, Funk, Garner, Gist, Greef, Gunderson, Harvey, Hawk, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Malone, Marler, McKamey, Novak, Patelis, Putnam, Ricci, Running Wolf, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bartel, Binkley, Duram, Fielder, Fitzgerald, Fuller, Galloway, Gillette, Hamilton,

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Hayman, Hill, Hinkle C, Hinkle J, Kerns, Lenz, Ler, Loge, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Olsen, Phalen, Read, Regier A, Regier M, Schillinger, Smith, Tschida, Usher, Vinton.
Total 34

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

HB 517 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 68

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 31

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

HB 519 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marshall, McKamey,

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Mercer, Mitchell, Moore, Nave, Noland, Patelis, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Marler, Novak, Olsen, Phalen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 520 passed as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, McKamey, Mercer, Noland, Novak, Olsen, Patelis, Putnam, Read, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 80

Nays: Bartel, Binkley, Galloway, Gillette, Gunderson, Hill, Kassmier, Kerns, Lenz, Marshall, Mitchell, Moore, Nave, Phalen, Regier A, Regier M, Skees, Tschida, Usher.

Total 19

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

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HB 526 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 527 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Binkley, Brewster, Buttrey, Carlson, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Whitman, Zolnikov, Mr. Speaker.

Total 61

Nays: Abbott, Bertoglio, Bishop, Buckley, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Welch, Whiteman Pena, Windy Boy.

Total 38

Voted absentee: None.

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Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 539 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: None.

Total 0

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: Olsen.

Total 1

HB 541 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Custer, Dooling, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 61

Nays: Abbott, Bishop, Buckley, Caferro, Carlson, Curdy, Dunwell, Duram, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Hopkins, Karjala, Keane, Kelker, Keogh,

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Kerr-Carpenter, Kortum, Marler, Mercer, Novak, Olsen, Putnam, Running Wolf, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 38

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 543 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 548 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge,

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Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 93

Nays: Caferro, Dunwell, Hayman, Olsen, Sheldon-Galloway, Whiteman Pena.
Total 6

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

HB 549 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 98

Nays: Abbott.
Total 1

Voted absentee: None.

Excused: Reksten.
Total 1

Absent or not voting: None.
Total 0

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HB 553 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 554 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Buckley, Buttrey, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 69

Nays: Abbott, Bishop, Brewster, Caferro, Curdy, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Novak, Olsen, Running Wolf, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 30

Voted absentee: None.

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Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 558 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 559 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 93

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Nays: Farris-Olsen, Olsen, Stewart Peregoy, Whiteman Pena, Windy Boy.

Total 5

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: Hayman.

Total 1

HB 562 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: Tschida.

Total 1

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 564 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer,

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Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 566 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 96

Nays: Karjala, Olsen, Tschida.

Total 3

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

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HB 574 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 575 failed as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 49

Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 50

Voted absentee: None.

Excused: Reksten.

Total 1

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Absent or not voting: None.

Total 0

HB 576 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 68

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 578 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

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Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 580 passed as follows:

Yeas: Abbott, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 53

Nays: Anderson, Bartel, Beard, Berglee, Binkley, Carlson, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 46

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 586 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger,

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Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 590 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Speaker Pro Tempore Knudsen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 251 - Representative C. Hinkle moved **HB 251** do pass.

HB 251 - Representative Gunderson moved for cloture. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Bertoglio, Binkley, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hopkins, Jones, Kassmier, Keane, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, Mercer, Mitchell, Novak, Patelis, Phalen, Putnam, Ricci, Schillinger, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Vinton, Walsh, Welch, Whiteman Pena, Zolnikov, Mr. Speaker.

Total 69

Nays: Berglee, Brewster, Fleming, Galloway, Hill, Hinkle C, Hinkle J, Holmlund, Karjala, Kelker, McKamey, Moore, Nave, Noland, Olsen, Read, Regier A, Regier M, Running Wolf, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stewart Peregoy, Trebas, Tschida, Usher, Weatherwax, Whitman, Windy Boy.

Total 30

Voted absentee: None.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 251 - Representative C. Hinkle moved **HB 251** do pass. Motion **failed** as follows:

Yeas: Bartel, Beard, Bedey, Berglee, Binkley, Carlson, Duram, Fielder, Fuller, Gillette, Gist, Greef, Gunderson, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Mercer, Moore, Noland, Phalen, Read, Regier A, Regier M, Reksten, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Vinton, Zolnikov, Mr. Speaker.

Total 38

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Nays: Abbott, Anderson, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Funk, Galloway, Garner, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, Marshall, McKamey, Mitchell, Nave, Novak, Olsen, Patelis, Putnam, Ricci, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Tschida, Usher, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 62

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 453 - Representative Galloway moved **HB 453** do pass. Motion **failed** as follows:

Yeas: Anderson, Bartel, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Custer, Fitzgerald, Fleming, Frazer, Galloway, Garner, Gist, Gunderson, Hinkle C, Hopkins, Kassmier, Knudsen C, Loge, Malone, Mitchell, Moore, Noland, Patelis, Read, Regier A, Regier M, Reksten, Seekins-Crowe, Sheldon-Galloway, Trebas, Tschida, Usher, Vinton, Welch, Mr. Speaker.

Total 38

Nays: Abbott, Beard, Bishop, Buckley, Caferro, Carlson, Curdy, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, France, Fuller, Funk, Gillette, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle J, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen R, Kortum, Lenz, Ler, Marler, Marshall, McKamey, Mercer, Nave, Novak, Olsen, Phalen, Putnam, Ricci, Running Wolf, Schillinger, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Whiteman Pena, Whitman, Windy Boy, Zolnikov.

Total 62

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 537 - Representative Mercer moved **HB 537** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette,

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Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Stafman.

Total 1

House recessed.

House reconvened.

Representative Berglee assumed the chair.

HB 570 - Representative Skees moved **HB 570** do pass. Motion **failed** as follows:

Yeas: Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Carlson, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, Mitchell, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Zolnikov, Mr. Speaker.

Total 47

Nays: Abbott, Anderson, Bedey, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, McKamey, Mercer, Moore, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 52

Voted absentee: Reksten, Aye.

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Excused: Reksten.

Total 1

Absent or not voting: Duram.

Total 1

HB 572 - Representative Skees moved **HB 572** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 82

Nays: Abbott, Bishop, Caferro, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Keane, Kelker, Kortum, Marler, Olsen, Stafman, Stewart Peregoy, Tenenbaum.

Total 17

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Hawk.

Total 1

HB 573 - Representative Tschida moved **HB 573** do pass. Motion **failed** as follows:

Yeas: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Carlson, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Knudsen R, Lenz, Ler, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 49

Nays: Abbott, Bedey, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Kortum,

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Loge, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 50

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Smith.

Total 1

HB 577 - Representative Sullivan moved **HB 577** do pass. Motion carried as follows:

Yeas: Abbott, Bedey, Bishop, Brewster, Buckley, Caferro, Carlson, Curdy, Custer, Dunwell, Duram, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Kortum, Loge, Marler, Marshall, Moore, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Walsh, Weatherwax, Whiteman Pena, Whitman, Windy Boy, Zolnikov.

Total 53

Nays: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Buttrey, Dooling, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Holmlund, Kerns, Knudsen R, Lenz, Ler, Malone, McKamey, Mercer, Mitchell, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Tschida, Usher, Vinton, Welch, Mr. Speaker.

Total 47

Voted absentee: Reksten, No.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 583 - Representative Seekins-Crowe moved **HB 583** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Funk, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey,

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Mitchell, Moore, Nave, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Tschida, Usher, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.

Total 85

Nays: Berglee, Fuller, Galloway, Gunderson, Hinkle J, Kerns, Knudsen R, Mercer, Noland, Schillinger, Sheldon-Galloway, Skees, Trebas, Vinton, Windy Boy.

Total 15

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 584 - Representative Seekins-Crowe moved **HB 584** do pass. Motion carried as follows:

Yeas: Anderson, Bedey, Berglee, Bertoglio, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Duram, Fitzgerald, Fleming, Frazer, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hinkle C, Hinkle J, Hopkins, Karjala, Kassmier, Kelker, Keogh, Knudsen C, Knudsen R, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Novak, Phalen, Regier A, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Usher, Welch, Whitman, Zolnikov.

Total 59

Nays: Abbott, Bartel, Beard, Binkley, Bishop, Dooling, Farris-Olsen, Fern, Fielder, France, Fuller, Hawk, Hayman, Holmlund, Jones, Keane, Kerns, Kerr-Carpenter, Kortum, Lenz, Ler, Loge, Malone, Marler, Noland, Olsen, Patelis, Putnam, Read, Regier M, Running Wolf, Tenenbaum, Trebas, Vinton, Walsh, Weatherwax, Whiteman Pena, Windy Boy, Mr. Speaker.

Total 39

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Hill, Tschida.

Total 2

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HB 588 - Representative C. Knudsen moved **HB 588** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Thane, Trebas, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 63

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Frazer, Funk, Hamilton, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Tschida, Weatherwax, Whiteman Pena, Windy Boy.

Total 37

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 594 - Representative Read moved **HB 594** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Mercer, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

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Absent or not voting: None.

Total 0

HB 598 - Representative Whitman moved **HB 598** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: Galloway, Regier M, Tschida.

Total 3

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 599 - Representative Gunderson moved **HB 599** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 68

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Moore, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

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Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 600 - Representative Caferro moved **HB 600** do pass. Motion carried as follows:

Yeas: Abbott, Bedey, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fielder, Fitzgerald, France, Frazer, Funk, Garner, Gist, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, Novak, Olsen, Putnam, Reksten, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Trebas, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 53

Nays: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Dooling, Duram, Fleming, Fuller, Galloway, Gillette, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Lenz, Ler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 46

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Knudsen R.

Total 1

HB 602 - Representative Stromswold moved **HB 602** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf,

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Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: None.

Total 0

HB 604 - Representative Novak moved **HB 604** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Kortum, Loge, Malone, Marler, McKamey, Mitchell, Novak, Olsen, Putnam, Reksten, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 58

Nays: Bartel, Berglee, Binkley, Brewster, Carlson, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hinkle C, Hinkle J, Kerns, Knudsen R, Lenz, Ler, Marshall, Mercer, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Tenenbaum, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 41

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Duram.

Total 1

HB 608 - Representative Galloway moved **HB 608** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern,

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Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: France.

Total 1

HB 610 - Representative Whiteman Pena moved **HB 610** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Karjala, Kassmier, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Kortum, Lenz, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Mr. Speaker.

Total 90

Nays: Galloway, Ler, Read, Regier A, Tschida, Zolnikov.

Total 6

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Beard, Jones, Keane, Knudsen R.

Total 4

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HB 611 - Representative Fitzgerald moved **HB 611** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: None.

Total 0

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Beard, Kassmier.

Total 2

HB 614 - Representative Caferro moved **HB 614** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Kortum, Lenz, Ler, Loge, Malone, Marler, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 92

Nays: Binkley, Hill, Knudsen R, Marshall, Read, Trebas, Tschida.

Total 7

Voted absentee: Reksten, Aye.

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Excused: Reksten.

Total 1

Absent or not voting: Beard.

Total 1

HB 616 - Representative Hopkins moved **HB 616** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Beard.

Total 1

HB 618 - Representative McKamey moved **HB 618** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov.

Total 87

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Nays: Berglee, Binkley, Carlson, Galloway, Hinkle C, Hinkle J, Ler, Patelis, Regier M, Tschida, Mr. Speaker.
Total 11

Voted absentee: Reksten, Aye.

Excused: Reksten.
Total 1

Absent or not voting: Beard, Olsen.
Total 2

HJR 14 - Representative Garner moved **HJR 14** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mitchell, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 90

Nays: Bartel, Binkley, Hinkle J, Mercer, Moore, Regier A, Regier M, Sheldon-Galloway, Tschida.
Total 9

Voted absentee: Reksten, Aye.

Excused: Reksten.
Total 1

Absent or not voting: Beard.
Total 1

HJR 15 - Representative Marler moved **HJR 15** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, Marshall, McKamey, Mercer, Moore, Nave, Novak, Patelis, Phalen, Putnam, Reksten,

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Running Wolf, Seekins-Crowe, Smith, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 72

Nays: Bartel, Berglee, Binkley, Fielder, Hill, Hinkle C, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Mitchell, Noland, Read, Regier A, Regier M, Ricci, Schillinger, Sheldon-Galloway, Skees, Stromswold, Tschida, Usher.
Total 25

Voted absentee: Reksten, Aye.

Excused: Reksten.
Total 1

Absent or not voting: Beard, Olsen, Stafman.
Total 3

HJR 16 - Representative Duram moved **HJR 16** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 92

Nays: Bartel, Galloway, Hamilton, Hinkle J, Lenz, Regier A, Regier M.
Total 7

Voted absentee: Reksten, Aye.

Excused: Reksten.
Total 1

Absent or not voting: Beard.
Total 1

HJR 17 - Representative Marler moved **HJR 17** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Funk, Galloway,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - MARCH 2, 2021

Garner, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Loge, Malone, Marler, McKamey, Nave, Novak, Olsen, Putnam, Reksten, Running Wolf, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Mr. Speaker.

Total 63

Nays: Bartel, Berglee, Binkley, Brewster, Carlson, Fielder, Fuller, Gillette, Hill, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Lenz, Ler, Marshall, Mercer, Mitchell, Moore, Noland, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Trebas, Usher, Vinton, Zolnikov.

Total 35

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Beard, Tschida.

Total 2

HJR 19 - Representative Bertoglio moved **HJR 19** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Nave, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Mr. Speaker.

Total 84

Nays: Berglee, Binkley, Carlson, Fielder, Galloway, Hill, Hinkle J, Moore, Noland, Regier M, Sheldon-Galloway, Skees, Trebas, Tschida, Zolnikov.

Total 15

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Beard.

Total 1

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - MARCH 2, 2021

HJR 21 - Representative Bishop moved **HJR 21** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Mr. Speaker.

Total 95

Nays: Moore, Regier M, Sheldon-Galloway, Zolnikov.

Total 4

Voted absentee: Reksten, Aye.

Excused: Reksten.

Total 1

Absent or not voting: Beard.

Total 1

Majority Leader Vinton moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Berglee moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 93

Nays: Noland.

Total 1

Voted absentee: None.

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - MARCH 2, 2021

Excused: Reksten.

Total 1

Absent or not voting: Beard, Hayman, Knudsen R, Olsen, Trebas.

Total 5

MOTIONS

Majority Leader Vinton moved to re-refer **HB 583** to the Appropriations Committee. Without objection, so ordered.

Majority Leader Vinton moved to re-refer **HB 584** to the Appropriations Committee. Without objection, so ordered.

ANNOUNCEMENTS

Majority Leader Vinton moved the House adjourn until 2:30 p.m., Tuesday, March 2, 2021.
Motion carried.

House adjourned at 12:52 p.m.

CAROLYN TSCHIDA
Chief Clerk of the House

WYLIE GALT
Speaker of the House

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Tom McGillvray, on March 19, 2021 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Keith Regier, Chair (R)
Sen. Tom McGillvray, Vice Chair (R)
Sen. Bryce Bennett (D)
Sen. Bob Brown (R)
Sen. John Esp (R)
Sen. Chris Friedel (R)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Theresa Manzella (R)
Sen. Susan Webber (D)

Members Present by Zoom Video Conference:

Sen. Diane Sands, Vice Chair (D)

Members Excused: None

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Taylor Tyson, Remote Meeting Coordinator
Jacelyn Sterling, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 285, 3/15/2021; HB 331, 3/15/2021; HB 333, 3/15/2021; HB 393, 3/15/2021; HB 478, 3/15/2021

Executive Action: HB 223 Be Concurred In as Amended; HB 258 Be Concurred In as Amended; HB 325 Be Concurred In as Amended; HB 504 Be Concurred In as Amended; HB 285 Be Tabled; HB 541 Be Removed from the Table

Committee Business:

08:00:23 Sen. Sands
08:00:28 Chair McGillvray

HEARING ON HB 333

Opening Statement by Sponsor:

08:00:57 Rep. Barry Usher (R), HD 40, opened the hearing on HB333, Generally revise laws related to sexual and violent offenders.

Proponents' Testimony:

08:02:25 Shelby DeMars, Montana Police Protective Association (MPPA)
[EXHIBIT\(jus55a01\)](#)

08:03:01 Sen. Friedel entered the meeting.

08:06:18 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association; Montana County Attorneys' Association

08:07:10 Matthew Sayler, MPPA

08:09:37 Mayre Flowers, Kalispell

Additional Testimony Received:

[EXHIBIT\(jus55a02\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:11:30 Sen. Friedel
08:15:25 Ms. DeMars, MPPA
08:15:48 Sen. Manzella
08:17:19 Ms. DeMars
08:17:29 Sen. Gross
08:18:43 Mr. Sayler, MPPA
08:19:21 Sen. Gross
08:19:40 Sen. Sands
08:22:06 Rep. Usher
08:22:23 Sen. Sands
08:23:13 Julianne Burkhardt, Legislative Services Division
08:23:59 Sen. Sands
08:24:24 Rep. Usher
08:25:34 Sen. Sands
08:25:52 Sen. Manzella
08:26:32 Rep. Usher
08:26:58 Sen. Webber
08:27:13 Ms. DeMars
08:28:48 Chair McGillvray
08:29:11 Rep. Usher

March 19, 2021

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08:29:24 Sen. McGillvray
08:30:48 Ms. DeMars

Closing by Sponsor:

08:31:26 Rep. Usher

HEARING ON HB 478

Opening Statement by Sponsor:

08:35:23 Rep. Derek Harvey (D), HD 74, opened the hearing on HB478, Generally revise DUI laws.

Proponents' Testimony:

08:37:00 Alan Doane, Department of Justice (DOJ)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:37:25 Sen. Friedel
08:38:33 Rep. Harvey
08:38:47 Mr. Doane, DOJ
08:39:12 Sen. Friedel
08:39:38 Mr. Doane

Closing by Sponsor:

08:39:51 Rep. Harvey

HEARING ON HB 393

Opening Statement by Sponsor:

08:40:32 Rep. Jane Gillette (R), HD64, opened the hearing on HB393, Revise laws related to amendment of a parenting plan due to change in residence.

Proponents' Testimony:

08:42:24 Gail Goheen, Corvallis

[EXHIBIT\(jus55a03\)](#)

08:47:35 Mars Scott, attorney, Missoula

08:49:38 Christopher Gillette, Bozeman

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:52:45 Sen. Gross
08:53:29 Mr. Scott, Missoula

08:54:28 Chair McGillvray
08:56:18 Mr. Gillette, Bozeman
08:56:47 Sen. Esp
08:57:08 Julianne Burkhardt, Legislative Services Division
08:57:27 Chair McGillvray
08:57:39 Sen. Webber
08:58:10 Mr. Scott

Closing by Sponsor:

08:58:51 Rep. Gillette

HEARING ON HB 331

Opening Statement by Sponsor:

09:00:19 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB331, Requiring legislators to have access to adult and youth correctional facilities.

[**EXHIBIT\(jus55a04\)**](#)

Proponents' Testimony:

09:02:47 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)
09:04:02 Janee Weber, Montana State Council on Judicial Accountability
09:05:21 May Simmons, Polson

[**EXHIBIT\(jus55a05\)**](#)

09:08:31 Laurie Little Dog, Bozeman

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:11:09 Sen. Brown
09:11:44 Rep. Knudsen
09:13:00 Sen. Esp
09:13:08 Rep. Knudsen
09:13:28 Sen. Sands
09:19:36 Rep. Knudsen
09:19:44 Chair McGillvray
09:19:52 Sen. Manzella
09:21:12 Rep. Knudsen
09:22:08 Sen. Gross
09:22:45 Rep. Knudsen
09:23:19 Sen. Friedel
09:23:54 Julianne Burkhardt, Legislative Services Division
09:24:22 Sen. Friedel
09:26:13 Ms. Gilbertson, MSPOA
09:27:22 Chair McGillvray
09:28:08 Ms. Gilbertson

Closing by Sponsor:

09:29:07 Rep. Knudsen

09:31:25 Recess

09:35:19 Reconvened

Sen. Regier returned to the meeting and took over the duties of the Chair.

HEARING ON HB 285

Opening Statement by Sponsor:

09:35:38 Rep. Jeremy Trebas (R), HD 26, opened the hearing on HB285, Create cigar bars.

Proponents' Testimony:

09:40:21 Cheryl Tusken, citizen

Questions from the Committee for Ms. Tusken:

09:41:17 Chair Regier

09:41:19 Ms. Tusken, citizen

Additional Proponents' Testimony:

09:41:29 Patrick Webb, Americans for Prosperity Montana (AFP)

09:43:22 Gage Henderson, Polson

[EXHIBIT\(jus55a06\)](#)

Additional Testimony Received:

[EXHIBIT\(jus55a07\)](#)

Opponents' Testimony:

09:46:20 Annie Tegan, Tobacco-Free Kids

[EXHIBIT\(jus55a08\)](#)

09:48:07 Bella Childre, Tobacco-Free Kids

09:48:54 Dr. David King, Belgrade

[EXHIBIT\(jus55a09\)](#)

09:52:09 Kristin Page-Nei, American Cancer Society Action Network

09:56:03 Ross Prosperi, Missoula

[EXHIBIT\(jus55a10\)](#)

09:57:03 Kathy Rogers, pediatrician, Missoula

[EXHIBIT\(jus55a11\)](#)

09:58:36 Char Day, Americans for Nonsmokers' Rights

[EXHIBIT\(jus55a12\)](#)

10:01:11 Cynthia Stremba, Parents Against Vaping

10:02:59 Amanda Cahill, American Heart Association

10:04:37 Linda Beischel, Montana Public Health Association

[EXHIBIT\(jus55a13\)](#)

10:06:03 Carrie Nyssen, American Lung Association

10:07:56 Greg Dorrington, Montana Medical Association (MMA); Billings Clinic

Additional Testimony Received:

[EXHIBIT\(jus55a14\)](#)

Informational Testimony:

10:08:51 Becky Schlauch, Alcoholic Beverage Control Division, Department of Revenue (DOR)

Questions from Committee Members and Responses:

10:09:18 Sen. Hinebauch
10:09:56 Mr. Dorrington, MMA
10:10:05 Sen. Hinebauch
10:10:18 Sen. Manzella
10:10:51 Mr. Dorrington
10:11:00 Sen. Manzella
10:11:33 Ms. Schlauch, DOR
10:11:54 Sen. McGillvray
10:14:47 Mr. King, Belgrade
10:15:01 Sen. McGillvray
10:15:38 Rep. Trebas
10:15:55 Sen. McGillvray
10:16:00 Ms. Schlauch
10:16:29 Sen. McGillvray
10:19:20 Rep. Trebas
10:20:14 Sen. McGillvray
10:22:55 Mr. Webb, AFP
10:23:29 Sen. Webber
10:23:52 Ms. Schlauch
10:24:17 Sen. Bennett
10:25:23 Rep. Trebas
10:26:43 Chair Regier
10:30:18 Rep. Trebas
10:30:42 Sen. Sands
10:32:24 Ms. Schlauch
10:33:42 Sen. Manzella
10:35:10 Rep. Trebas
10:35:24 Sen. McGillvray
10:36:05 Rep. Trebas
10:36:35 Sen. McGillvray

Closing by Sponsor:

10:36:45 Rep. Trebas

10:39:27 Chair Regier

10:40:11 Recess
11:00:25 Reconvened

Sen. Brown and Sen. Friedel did not return to the meeting.

EXECUTIVE ACTION ON HB 223

11:01:22 **Motion:** Sen. McGillvray moved that **HB 223 BE CONCURRED IN.**

Discussion:

11:01:36 Chair Regier
11:02:31 Sen. Esp
11:02:48 Chair Regier
11:02:53 Sen. Esp
11:03:14 Chair Regier

11:03:20 **Motion:** Sen. McGillvray moved that **HB 223 BE AMENDED.**
EXHIBIT(jus55a15)

Discussion:

11:03:33 Julianne Burkhardt, Legislative Services Division (LSD)
11:04:58 Chair Regier
11:05:08 Ms. Burkhardt, LSD
11:05:26 Sen. Gross

11:05:51 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown and Sen. Friedel voted by proxy.

11:06:32 **Motion:** Sen. McGillvray moved that **HB 223 BE CONCURRED IN AS AMENDED.**

Discussion:

11:06:43 Sen. Sands
11:07:19 Sen. Gross

11:08:48 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown and Sen. Friedel voted by proxy. Sen. Regier will carry the bill.

EXECUTIVE ACTION ON HB 325

11:09:33 Chair Regier

11:09:48 **Motion:** Sen. McGillvray moved that **HB 325 BE CONCURRED IN.**

Discussion:

11:09:59 Julianne Burkhardt, Legislative Services Division (LSD)
11:10:09 Chair Regier

11:10:12 **Motion:** Sen. Esp moved that **HB 325 BE AMENDED.**
[EXHIBIT\(jus55a16\)](#)

Discussion:

11:11:03 Sen. Bennett
11:11:56 Chair Regier
11:12:07 Sen. Esp
11:12:21 Sen. Hinebauch
11:12:30 Chair Regier
11:12:34 Sen. Bennett

11:13:35 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown and Sen. Friedel voted by proxy.

11:14:06 **Motion:** Sen. McGillvray moved that **HB 325 BE CONCURRED IN AS AMENDED.**

Discussion:

11:14:13 Sen. Sands
11:15:40 Sen. Bennett
11:16:40 Chair Regier
11:17:01 Sen. Webber
11:18:01 Chair Regier
11:18:23 Sen. Gross
11:18:56 Sen. Esp

11:19:09 Sen Friedel entered the meeting.

11:19:53 Chair Regier
11:20:07 Sen. Gross

11:20:27 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy. Sen. Brown will carry the bill.

EXECUTIVE ACTION ON HB 504

11:21:34 **Motion:** Sen. McGillvray moved that **HB 504 BE CONCURRED IN.**

Discussion:

11:21:43 Chair Regier
11:21:45 Julliane Burkhardt, Legislative Services Division (LSD)

11:21:50 **Motion:** Sen. McGillvray moved that **HB 504 BE AMENDED.**
[EXHIBIT\(jus55a17\)](#)

Discussion:

11:22:18 Ms. Burkhardt, LSD

11:23:17 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy.

11:23:46 **Motion/Vote:** Sen. McGillvray moved that **HB 504 BE CONCURRED IN AS AMENDED**. Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy. Sen. Hinebauch will carry the bill.

EXECUTIVE ACTION ON HB 258

11:25:39 **Motion/Vote:** Sen. McGillvray moved that **HB 258 BE CONCURRED IN**. Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy. Sen. Manzella will carry the bill.

Discussion:

11:26:57 Sen. Esp
11:27:49 Chair Regier
11:28:17 Julianne Burkhardt, Legislative Services Division
11:28:57 Chair Regier

EXECUTIVE ACTION ON HB 285

11:29:14 **Motion/Vote:** Sen. McGillvray moved that **HB 285 BE TABLED**. Motion carried 6-5 by roll call vote with Sen. Brown, Sen. Friedel, Sen. Hinebauch, Sen. Manzella and Sen. K. Regier voting no. Sen. Brown voted by proxy.

EXECUTIVE ACTION ON HB 541

11:30:22 **Motion:** Sen. Esp moved that **HB 541 BE REMOVED FROM TABLE**.

Discussion:

11:31:11 Sen. Sands

11:31:28 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Bennett voted by proxy.

Committee Business:

11:32:03 Chair Regier
11:32:17 Sen. Esp
11:32:49 Chair Regier
11:33:08 Sen. Sands
11:33:12 Julianne Burkhardt, Legislative Services Division
11:33:21 Chair Regier
11:33:28 Sen. Esp
11:33:32 Sen. Gross
11:33:36 Chair Regier

ADJOURNMENT

Adjournment: 11:34 AM

Jacelyn Sterling, Secretary

js

Additional Documents:

EXHIBIT([jus55aad.pdf](#))



2021 Session

Additional Documents

May include the following:

- **Business Report**
- **Roll Call - Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
 - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

The original exhibit/items are on file at the Montana Historical Society and may be viewed there.

BUSINESS REPORT
MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION
SENATE JUDICIARY COMMITTEE

Date: Friday, March 19, 2021
Place: Capitol

Time: 9:00 AM
Room: 303

BILLS and RESOLUTIONS HEARD:

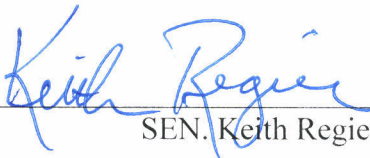
HB 285 - Create cigar bars - Rep. Jeremy Trebas (R)
HB 331 - Requiring legislators to have access to adult and youth correctional facilities - Rep. Casey Knudsen (R)
HB 333 - Generally revise laws related to sexual and violent offenders - Rep. Barry Usher (R)
HB 393 - Revise laws related to amendment of a parenting plan due to change in residence - Rep. Jane Gillette (R)
HB 478 - Generally revise DUI laws - Rep. Derek Harvey (D)

EXECUTIVE ACTION TAKEN:

HB 541 Be Removed From the Table
HB 285 Be Tabled
HB 504 Be Concurred In as Amended
HB 325 Be Concurred In as Amended
HB 258 Be Concurred In as Amended
HB 223 Be Concurred In as Amended

Comments:

No further action was taken on HB 541.



SEN. Keith Regier, Chair

MONTANA STATE SENATE
Roll Call
JUDICIARY COMMITTEE

DATE: 3/19/2021

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
VICE CHAIR MCGILLVRAY	✓	
VICE CHAIR SANDS	✓	
SEN. ESP	✓	
SEN. HINEBAUCH	✓	
SEN. BENNETT	✓	
SEN. MANZELLA	✓	
SEN. WEBBER	✓	
SEN. BROWN	✓	
SEN. FRIEDEL		✓
SEN. GROSS	✓	
CHAIRMAN REGIER		✓
11 Committee Members		



SENATE STANDING COMMITTEE REPORT

March 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 223** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator Keith Regier

And, that such amendments read:

1. Page 1, line 28.

Strike: "who has provided proof"

Insert: "if presented with credible evidence"

2. Page 2.

Following: line 1

Insert: "(5) To meet the duty established in this section, a public safety officer may not maintain custody of a person subject to a detainer for longer than 48 hours, excluding weekends and holidays, beyond the time that the person would otherwise have been released from custody."

- END -

Committee Vote:

Yes 7, No 4

Fiscal Note Required ____

HB0223001SC13689.slk



SENATE STANDING COMMITTEE REPORT

March 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 325** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator Bob Brown

And, that such amendments read:

1. Page 2, line 12.
Strike: "from"
Insert: "for"

- END -

Committee Vote:

Yes 7, No 4

Fiscal Note Required ☐

HB0325001SC16494.slk



SENATE STANDING COMMITTEE REPORT

March 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 504** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator Steve Hinebauch

And, that such amendments read:

1. Page 1, line 24.

Following: "seize"

Insert: ", "

2. Page 2, line 25.

Following: "conviction."

Insert: "(5) Nothing in this section may be construed to infringe on the rights of private landowners or the person who is in control of the property, including a tenant or lessee, to regulate firearms on their property."

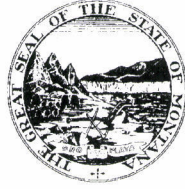
- END -

Committee Vote:

Yes 7, No 4

Fiscal Note Required ____

HB0504001SC17591.slk



SENATE STANDING COMMITTEE REPORT

March 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 258** (third reading copy -- blue) **be concurred in.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator Theresa Manzella

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required X

HB0258001SC16510.slk

COMMITTEE FILE COPY

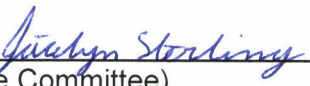
BILL TABLED NOTICE

SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED

HB 285 - Create cigar bars - Rep. Jeremy Trebas (R)

by motion, on **Friday, March 19, 2021** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).



(For the Committee)



(For the Secretary of the Senate)
12:00p 3/19
(Time) (Date)

March 19, 2021 (11:48am)

Jacelyn Sterling, Secretary

Phone: 444-4751

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.19.2021 BILL NO HB223 MOTION NO. _____
MOTION: Amendment HB223.1.1

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
VICE CHAIR MCGILLVRAY	☒	☐	☐
VICE CHAIR SANDS	☐	☒	☐
SEN. ESP	☒	☐	☐
SEN. HINEBAUCH	☒	☐	☐
SEN. BENNETT	☐	☒	☐
SEN. MANZELLA	☒	☐	☐
SEN. WEBBER	☐	☒	☐
SEN. BROWN	☒	☐	☒
SEN. FRIEDEL	☒	☐	☒
SEN. GROSS	☐	☒	☐
CHAIRMAN REGIER	☒	☐	☐
	☐	☐	☐
11 COMMITTEE MEMBERS	☐	☐	☐

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3/19/2021 BILL NO HB223 MOTION NO. _____
MOTION: Be concurred in as amended

<u>NAME</u>	AYE	NO	Proxy
VICE CHAIR MCGILLVRAY	☒	☐	☐
VICE CHAIR SANDS	☐	☒	☐
SEN. ESP	☒	☐	☐
SEN. HINEBAUCH	☒	☐	☐
SEN. BENNETT	☐	☒	☐
SEN. MANZELLA	☒	☐	☐
SEN. WEBBER	☐	☒	☐
SEN. BROWN	☒	☐	☒
SEN. FRIEDEL	☒	☐	☒
SEN. GROSS	☐	☒	☐
CHAIRMAN REGIER	☒	☐	☐
	☐	☐	☐
11 COMMITTEE MEMBERS	☐	☐	☐

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.19.2021 BILL NO HB 325 MOTION NO. _____
MOTION: Amendment HB 325.1.1

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
VICE CHAIR MCGILLVRAY	<u>—</u>		
VICE CHAIR SANDS		<u>—</u>	
SEN. ESP	<u>—</u>		
SEN. HINEBAUCH	<u>—</u>		
SEN. BENNETT		<u>—</u>	
SEN. MANZELLA	<u>—</u>		
SEN. WEBBER		<u>—</u>	
SEN. BROWN	<u>—</u>		<u>—</u>
SEN. FRIEDEL	<u>—</u>		<u>—</u>
SEN. GROSS		<u>—</u>	
CHAIRMAN REGIER	<u>—</u>		
11 COMMITTEE MEMBERS			

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.19.2021 BILL NO HB 325 MOTION NO. _____

MOTION: Be concurred in as amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
VICE CHAIR MCGILLVRAY	☒	☐	☐
VICE CHAIR SANDS	☐	☒	☐
SEN. ESP	☒	☐	☐
SEN. HINEBAUCH	☒	☐	☐
SEN. BENNETT	☐	☒	☐
SEN. MANZELLA	☒	☐	☐
SEN. WEBBER	☐	☒	☐
SEN. BROWN	☒	☐	☒
SEN. FRIEDEL	☒	☐	☐
SEN. GROSS	☐	☒	☐
CHAIRMAN REGIER	☒	☐	☐
	☐	☐	☐
11 COMMITTEE MEMBERS	☐	☐	☐

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.19.2021 BILL NO HB 504 MOTION NO. _____
MOTION: Amendment HB 504.1.2

<u>NAME</u>	AYE	NO	Proxy
VICE CHAIR MCGILLVRAY	✓		
VICE CHAIR SANDS		✓	
SEN. ESP	✓		
SEN. HINEBAUCH	✓		
SEN. BENNETT		✓	
SEN. MANZELLA	✓		
SEN. WEBBER		✓	
SEN. BROWN	✓		✓
SEN. FRIEDEL	✓		
SEN. GROSS		✓	
CHAIRMAN REGIER	✓		
11 COMMITTEE MEMBERS			

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3-19-2021 BILL NO HB504 MOTION NO. _____
MOTION: Concur as amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
VICE CHAIR MCGILLVRAY	☒		
VICE CHAIR SANDS		☒	
SEN. ESP	☒		
SEN. HINEBAUCH	☒		
SEN. BENNETT		☒	
SEN. MANZELLA	☒		
SEN. WEBBER		☒	
SEN. BROWN	☒		☒
SEN. FRIEDEL	☒		
SEN. GROSS		☒	
CHAIRMAN REGIER	☒		
11 COMMITTEE MEMBERS			

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.19.2021 BILL NO HB 258 MOTION NO. _____
MOTION: Be concurred in

<u>NAME</u>	AYE	NO	Proxy
VICE CHAIR MCGILLVRAY	✓		
VICE CHAIR SANDS		✓	
SEN. ESP		✓	
SEN. HINEBAUCH	✓		
SEN. BENNETT		✓	
SEN. MANZELLA	✓		
SEN. WEBBER		✓	
SEN. BROWN	✓		✓
SEN. FRIEDEL	✓		
SEN. GROSS		✓	
CHAIRMAN REGIER	✓		
11 COMMITTEE MEMBERS			

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.19.2021 BILL NO HB 285 MOTION NO. _____
MOTION: Table

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
VICE CHAIR MCGILLVRAY	☒	☐	☐
VICE CHAIR SANDS	☒	☐	☐
SEN. ESP	☒	☐	☐
SEN. HINEBAUCH	☐	☒	☐
SEN. BENNETT	☒	☐	☐
SEN. MANZELLA	☐	☒	☐
SEN. WEBBER	☒	☐	☐
SEN. BROWN	☐	☒	☒
SEN. FRIEDEL	☐	☒	☐
SEN. GROSS	☒	☐	☐
CHAIRMAN REGIER	☐	☒	☐
	☐	☐	☐
11 COMMITTEE MEMBERS	☐	☐	☐

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.19.2021 BILL NO HB 541 MOTION NO. _____

MOTION: Reconsider actions on tableing

Take From table

NAME	AYE	NO	Proxy
VICE CHAIR MCGILLVRAY	☒	☐	☐
VICE CHAIR SANDS	☐	☒	☐
SEN. ESP	☒	☐	☐
SEN. HINEBAUCH	☒	☐	☐
SEN. BENNETT	☐	☒	☐
SEN. MANZELLA	☒	☐	☐
SEN. WEBBER	☐	☒	☐
SEN. BROWN	☒	☐	☒
SEN. FRIEDEL	☒	☐	☐
SEN. GROSS	☐	☒	☐
CHAIRMAN REGIER	☒	☐	☐
	☐	☐	☐
11 COMMITTEE MEMBERS	☐	☐	☐

SENATE PROXY

I, Senator Rob Brown, hereby authorize Senator Theresa Manzella to vote my proxy before the Senate Judiciary meeting held on 3.19.21, 2021.



Senator Signature

3.19.21
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator Friedel, hereby authorize Senator
M. Gillmer to vote my proxy before the Senate
Judiciary meeting held on _____, 2021.



Senator Signature

319-21

Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

411

HB 333 - Generally revise laws related to sexual and violent offenders

N

#2

HB 478 - Generally revise DUI laws

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Friday, March 19, 2021

HB 393 - Revise laws related to amendment of a parenting plan due to change in residence

Sponsor: Rep. Jane Gillette (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

HB 331 - Requiring legislators to have access to adult and youth correctional facilities

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

#5

HB 285 - Create cigar bars

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Senate Judiciary Zoom Testimony Request

Meeting: 03/19/2021 @ 8:00 AM

Bill	Name	Position	Location	Email	Affiliation
HB 285	Gage Henderson	Proponent	Polson	gagehenderson7@gmail.com	NA
	Annie Tegen	Opponent	Seattle, WA	ategen@tobaccofreekids.org	Tobacco-Free Kids
	Bella Childre	Opponent	Bozeman	fearless.sender@gmail.com	Campaign for Tobacco-Free Kids
	David King	Opponent	Belgrade	troutcreek1@outlook.com	NA
	Kristin Page-Nei	Opponent	Missoula	Kristin.page.nei@cancer.org	America Cancer Society Action Network
	Ross Prosperi	Opponent	Missoula	Ross.prosperi@gmail.com	NA
	Kathy Rogers	Opponent	Missoula	mtrogersthompson@earthlink.net	NA
	Char Day	Opponent	Durango, CO	char.day@no-smoke.org	Americans for Nonsmokers' Rights
	Carrie Nyssen	Opponent	Vancouver, WA	carrie.nyssen@lung.org	American Lung Association
	Cynthia Stremba	Opponent	New York, NY	cynthia@parentsagainstvaping.org	Parents Against Vaping
	Amanda Cahill	Opponent	Montana	amanda.cahill@heart.org	American Heart Association
	Linda Beischel	Opponent	Helena	lindabee7999@gmail.com	Montana Public Health Association
	Becky Schlauch	Informational Witness	Seeley Lake	becky.schlauch@mt.gov	MT DOR - Alcoholic Beverage Control
HB 331	Mayson Simmons	Proponent	Polson	maysimmons1@hotmail.com	NA
	Laurie Little Dog	Proponent	Bozeman	LaurieLittleDog@gmail.com	NA
HB 333	Laurie Little Dog	Proponent	Bozeman	LaurieLittleDog@gmail.com	NA
	Matthew Bruce Sayler	Proponent	Butte	Matt.sayler@hotmail.com	Montana Police Protective Association
	Shinnah Sullivan	Proponent	Kalispell	montanafamily5@gmail.com	NA
	Mayre Flowers	Proponent	Kalispell	MayreFlowers@Montanasky.net	NA
HB 393	Christopher Gillette	Proponent	Bozeman	chris@cjgillette.com	NA
	Gail H. Goheen	Proponent	Corvallis	gail@goheenlaw.com	NA
	Mars Scott	Proponent	Missoula	pmarsscott@pmarsscott.com	NA

June 12, 2020

Law and Justice Interim Committee (LJIC)

Prepared by Rachel Weiss

VIOLENT OFFENSES THAT REQUIRE REGISTRATION

Section 46-23-502, MCA, lists the 13 offenses that currently require a person convicted of one or more of them to register as a violent offender in Montana. The offenses are:

- **Deliberate homicide** [45-5-102, MCA];
- **Mitigated deliberate homicide** [45-5-103, MCA];
- **Aggravated assault** [45-5-202, MCA];
- **Partner or family member assault**, third or subsequent offense [45-5-206, MCA];
- **Assault on a peace officer**, if the person purposely or knowingly causes reasonable apprehension of seriously bodily injury in a peace officer or judicial officer by use of a weapon, causes bodily injury to a peace officer or judicial officer with a weapon, or causes serious bodily injury to a peace officer or judicial officer [45-5-210 (1)(b), (1)(c), or (1)(d), MCA];
- **Assault on a minor** [45-5-212, MCA];
- **Assault with a weapon** [45-5-213, MCA];
- **Strangulation of a partner or family member** [45-5-215];
- **Kidnapping**, if the victim is not a minor [45-5-302, MCA];
- **Aggravated kidnapping**, if the victim is not a minor [45-5-303, MCA];
- **Robbery** [45-5-401, MCA];
- **Arson** [45-6-103, MCA]; and
- **Operation of unlawful clandestine laboratory** [45-9-132, MCA].

The definitions include any actual violation of the listed statute, as well as an attempt, solicitation, or conspiracy to commit a violation of the listed statute. Offenses that require registration include offenses for which a person was found in youth court to have committed or for which the person was adjudicated in youth court. Registration is also required for a person who violated a reasonably similar law of another state, a tribal government, or the federal government.

June 12, 2020

Law and Justice Interim Committee

Prepared by Rachel Weiss

SEXUAL OFFENSES THAT REQUIRE REGISTRATION

The current 14 sexual offenses that require registration in Montana's sex offender registry are contained in the definition of "sexual offense" in [section 46-23-502, MCA](#).¹

- **Unlawful restraint**, if the victim was less than 18 and the offender is not a parent of the victim, [45-5-301, MCA];
- **Kidnapping**, if the victim is less than 18 and the offender is not a parent of the victim [45-5-302, MCA];
- **Aggravated kidnapping**, if the victim is less than 18 and the offender is not a parent of the victim [45-5-303, MCA];
- **Sexual assault**, if the offender is a professional licensed under Title 37 and commits the offense during any treatment, consultation, interview, or evaluation of a person's physical or mental condition, ailment, disease, or injury [45-5-502, MCA];
- **Sexual assault**, if the victim is less than 16 and the offender is 3 or more years older than the victim [45-5-502(3), MCA];
- **Sexual intercourse without consent** [45-5-503(1), (3), or (4), MCA];
- **Indecent exposure**, third or subsequent conviction [45-5-504(2)(c), MCA];
- **Indecent exposure**, if the victim is less than 16 and the offender is 4 or more years older than the victim [45-5-504(3), MCA];
- **Incest**, if the victim is less than 18 and the offender is 3 or more years older than the victim or if the victim is 12 years or younger at the offender is 18 or older at the time of the offense [45-5-507, MCA];
- **Aggravated sexual intercourse without consent** [45-5-508, MCA];
- **Prostitution**, if the person patronized was a child and the patron was 18 years or older at the time of the offense, whether or not the patron was aware of the child's age [45-5-601(3), MCA];
- **Promoting prostitution**, if the person engaging in prostitution was a child and the patron was 18 or older at the time of the offense, whether or not the patron was aware of the child's age [45-5-602(3), MCA];
- **Aggravated promotion of prostitution**, if the victim was a child [45-5-603(1)(b), (2)(b), or (2)(c), MCA];

¹ The number 14 only includes each statutory crime section once, though at least three crimes (sexual assault, incest, and aggravated promotion of prostitution) include different subsections or victim/offender scenarios that could require registration.

June 12, 2020

SJ 19 Study: Sexual Offenses That Require Registration
Law and Justice Interim Committee

- **Sexual abuse of children** [45-5-625, MCA];
- **Sexual servitude** [45-5-704, MCA]; or
- **Patronizing a victim of sexual servitude** [45-5-705, MCA].

The definitions include any actual violation of the listed statute, as well as an attempt, solicitation, or conspiracy to commit a violation of the listed statute. Offenses that require registration include offenses for which a person was found in youth court to have committed or for which the person was adjudicated in youth court. Registration is also required for a person who violated a reasonably similar law of another state, a tribal government, or the federal government.

Additional Information

- SJ 19 Study Page (2019-2020 Interim): <https://leg.mt.gov/committees/interim/2019ljic/sj-19-svor/>
- Overview of the Montana Sexual or Violent Offender Registration Act, September 2019, available at: <https://leg.mt.gov/content/Committees/Interim/2019-2020/Law-and-Justice/Committee-Topics/SJ-19-Study/sj19-svor-background-september-2019.pdf>

SENATE JUDICIARY

Exhibit No. 2

Date: 3.19.2021

Bill No. HB 333

From: leg-noreply@mt.gov

To: [LEG Applications Email Backup](#); [LEG Committee-Senate Judiciary testimony](#)

Subject: Public Comment for Bill HB-333: Generally revise laws related to sexual and violent offenders 2021-03-19 08:00 AM - (S) Judiciary Successfully Submitted on 03-17-21 19:23

Date: Wednesday, March 17, 2021 7:24:00 PM

Details:

Bill: HB-333: Generally revise laws related to sexual and violent offenders 2021-03-19 08:00 AM - (S) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Robert Vanuka

Email: rvanuka@gmail.com

Phone: (406) 600-5416

City, State: Bozeman

Written Statement: I am a Bozeman PD Detective and Task Force Officer with the ATF. I started the ball rolling on this bill and will be available to speak at length of the benefits of same.

Files:

Testify via Zoom: No

Zoom Method: N/A

From: leg-noreply@mt.gov
To: [LEG Applications Email Backup](#); [LEG Committee-Senate Judiciary testimony](#)
Subject: Public Comment for Bill HB-333: Generally revise laws related to sexual and violent offenders 2021-03-19 08:00 AM - (S) Judiciary Successfully Submitted on 03-18-21 08:05
Date: Thursday, March 18, 2021 8:05:38 AM

Details:

Bill: HB-333: Generally revise laws related to sexual and violent offenders 2021-03-19 08:00 AM - (S) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana Police Protective Association

Name: Truman Tolson

Email: tolsont@msn.com

Phone: (406) 370-2916

City, State: Missoula, MT

Written Statement: As a Past President of MPPA I'm requesting passing of HB 333 to ensure the safety of citizen's and first responders in the State of Montana

Files:

Testify via Zoom: No

Zoom Method: N/A

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 23, 2021 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Keith Regier, Chair (R)
Sen. Bob Brown (R)
Sen. John Esp (R)
Sen. Theresa Manzella (R)
Sen. Susan Webber (D)

Members Present by Zoom Video Conference:

Sen. Tom McGillvray, Vice Chair (R)
Sen. Diane Sands, Vice Chair (D)
Sen. Bryce Bennett (D)
Sen. Chris Friedel (R)
Sen. Jen Gross (D)

Members Excused:

Sen. Steve Hinebauch (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Taylor Tyson, Remote Meeting Coordinator
Jacelyn Sterling, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 92, 3/17/2021; HB 368, 3/17/2021; HB 382, 3/17/2021

Executive Action: HB 331 Be Concurred In as Amended; HB 333 Be Concurred In as Amended; HB 393 Be Concurred In; HB 478 Be Concurred In as Amended; HB 115 Be Concurred In as Amended

HEARING ON HB 368

Opening Statement by Sponsor:

08:03:20 Rep. Sharon Greef (R), HD 88, opened the hearing on HB368, Adopt Uniform Premarital and Marital Agreements Act.

Proponents' Testimony:

08:06:42 Jacqueline Lenmark, Uniform Law Commission
[EXHIBIT\(jus57a01\)](#)

08:10:52 Gail Goheen, Family Law Section, State Bar of Montana
[EXHIBIT\(jus57a02\)](#)

08:16:19 P. Mars Scott, Family Law Section, State Bar of Montana
[EXHIBIT\(jus57a03\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:20:10 Sen. Manzella
08:21:42 Mr. Scott, State Bar
08:22:24 Chair Regier
08:27:01 Mr. Scott
08:27:13 Sen. Webber
08:27:58 Mr. Scott
08:28:21 Sen. Manzella
08:28:54 Mr. Scott
08:29:26 Chair Regier
08:29:36 Mr. Scott

Closing by Sponsor:

08:30:31 Rep. Greef

HEARING ON HB 92

Opening Statement by Sponsor:

08:31:19 Rep. Kathy Kelker (D), HD 47, opened the hearing on HB92, Establish compensation program for wrongfully convicted individuals.

Proponents' Testimony:

08:36:27 Amy Sings In The Timber, Montana Innocence Project (MIP)
08:39:16 Patrick Webb, Americans For Prosperity Montana (AFP-MT)
08:41:51 Janee Weber, Montana State Council on Judicial Accountability
08:44:37 Patrick Webb, AFP-MT
[EXHIBIT\(jus57a04\)](#)

08:44:55 Bart Crabtree, Montana State Council on Judicial Accountability
08:46:01 Cody Marble, citizen

08:48:54 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

08:49:36 Laurie Little Dog, Bozeman

[EXHIBIT\(jus57a05\)](#)

Opponents' Testimony: None

Informational Testimony:

08:51:18 Brett Dahl, Department of Administration (DOA)

[EXHIBIT\(jus57a06\)](#)

Questions from Committee Members and Responses:

08:51:46 Chair Regier

08:52:08 Rep. Kelker

08:53:10 Chair Regier

08:54:56 Julianne Burkhardt, Legislative Services Division (LSD)

08:55:40 Sen. McGillvray

08:56:34 Mr. Dahl, DOA

08:56:57 Sen. McGillvray

08:57:09 Rep. Kelker

08:57:22 Ms. Burkhardt, LSD

08:57:59 Sen. McGillvray

08:59:32 Rep. Kelker

09:00:08 Sen. Esp

09:01:29 Rep. Kelker

09:02:37 Sen. Esp

09:02:43 Chair Regier

09:02:50 Rep. Kelker

09:02:58 Chair Regier

09:03:42 Mr. Webb, AFP-MT

09:04:54 Chair Regier

09:05:20 Sen. Webber

09:06:34 Mr. Webb

09:06:55 Chair Regier

09:06:59 Mr. Webb

09:07:16 Ms. Sings In The Timber, MIP

09:08:39 Sen. Webber

09:10:20 Rep. Kelker

09:10:51 Chair Regier

09:11:30 Sen. Sands

09:15:04 Rep. Kelker

Closing by Sponsor:

09:15:19 Rep. Kelker

HEARING ON HB 382

Opening Statement by Sponsor:

09:17:22 Rep. Willis Curdy (D), HD 98, opened the hearing on HB382, Generally revise the use of exploding targets.

[EXHIBIT\(jus57a07\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

09:24:23 John Monzie, Fire Protection Bureau, Department of Natural Resources and Conservation (DNRC)

EXHIBIT(jus57a08)

Questions from Committee Members and Responses:

09:24:57 Sen. Webber
 09:25:15 Rep. Curdy
 09:25:41 Chair Regier
 09:27:55 Rep. Curdy
 09:28:09 Sen. Sands
 09:30:06 Mr. Mozie, DNRC
 09:30:29 Sen. Sands
 09:32:43 Rep. Curdy
 09:33:18 Chair Regier
 09:33:20 Rep. Curdy
 09:34:00 Chair Regier
 09:34:14 Mr. Monzie
 09:34:17 Chair Regier
 09:34:25 Sen. Webber
 09:35:35 Rep. Curdy
 09:37:51 Sen. Esp
 09:39:29 Mr. Monzie
 09:39:46 Sen. Brown
 09:43:30 Rep. Curdy
 09:45:48 Sen. Brown
 09:46:00 Chair Regier
 09:46:21 Julianne Burkhardt, Legislative Services Division (LSD)
 09:46:51 Chair Regier
 09:47:03 Rep. Curdy
 09:48:23 Ms. Burkhardt, LSD

Closing by Sponsor:

09:49:11 Rep. Curdy

Committee Business:

09:50:47 Chair Regier
 09:51:09 Julianne Burkhardt, Legislative Services Division
 09:51:46 Chair Regier

 09:51:50 Recess
 10:15:00 Reconvened

Sen. Gross was excused.

EXECUTIVE ACTION ON HB 331

10:15:21 **Motion:** Sen. McGillvray moved that **HB 331 BE CONCURRED IN.**

Discussion:

10:15:35 Julianne Burkhardt, Legislative Services Division (LSD)

10:15:39 **Motion:** Sen. McGillvray moved that **HB 331 BE AMENDED.**
EXHIBIT(jus57a09)

Discussion:

10:15:58 Julianne Burkhardt, LSD

10:17:56 Chair Regier

10:18:02 Sen. Manzella

10:18:26 Chair Regier

10:18:32 Sen. Bennett

10:19:19 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross and Sen. Hinebauch voted by proxy.

10:19:50 **Motion/Vote:** Sen. McGillvray moved that **HB 331 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 333

10:21:30 **Motion:** Sen. McGillvray moved that **HB 333 BE CONCURRED IN.**

10:21:44 **Motion:** Sen. Sands moved that **HB 333 BE AMENDED.**
EXHIBIT(jus57a10)

Discussion:

10:22:21 Chair Regier

10:22:32 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy.

10:23:00 **Motion/Vote:** Sen. McGillvray moved that **HB 333 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. Brown will carry the bill.

EXECUTIVE ACTION ON HB 393

10:24:16 **Motion:** Sen. McGillvray moved that **HB 393 BE CONCURRED IN.**

Discussion:

10:24:34 Sen. Sands

10:25:28 Julianne Burkhardt, Legislative Services Division (LSD)

10:25:35 Chair Regier

10:25:47 Sen. Sands
10:25:53 Ms. Burkhardt, LSD
10:26:25 Sen. Sands

10:26:43 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. McGillvray will carry the bill.

EXECUTIVE ACTION ON HB 478

10:27:51 **Motion:** Sen. McGillvray moved that **HB 478 BE CONCURRED IN.**

10:28:08 **Motion:** Sen. McGillvray moved that **HB 478 BE AMENDED.**
[EXHIBIT\(jus57a11\)](#)

Discussion:

10:28:26 Julianne Burkhardt, Legislative Services Division (LSD)
10:29:40 Chair Regier
10:30:57 Sen. Sands
10:31:06 Ms. Burkhardt

10:31:26 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy.

10:31:40 **Motion/Vote:** Sen. McGillvray moved that **HB 478 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. Esp will carry the bill.

EXECUTIVE ACTION ON HB 115

10:33:48 **Motion:** Sen. McGillvray moved that **HB 115 BE CONCURRED IN.**

10:34:07 **Motion/Vote:** Sen. McGillvray moved that **HB 115 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy.

[EXHIBIT\(jus57a12\)](#)

10:34:56 **Motion:** Sen. McGillvray moved that **HB 115 BE CONCURRED IN AS AMENDED.**

Discussion:

10:35:06 Sen. Sands
10:36:01 Chair Regier
10:36:06 Sen. Friedel
10:37:43 Sen. Sands

10:37:55 **Vote:** Motion carried 10-1 by roll call vote with Sen. Bennett voting no. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. Esp will carry the bill.

Committee Business:

10:38:43 Chair Regier

10:38:58 Taylor Tyson, remote meeting coordinator
10:39:27 Sen. McGillvray
10:39:43 Chair Regier
10:40:12 Sen. Sands
10:40:29 Chair Regier
10:40:38 Sen. Friedel
10:40:46 Chair Regier
10:41:07 Julianne Burkhardt, Legislative Services Division (LSD)
10:41:36 Chair Regier
10:41:39 Ms. Burkhardt, LSD
10:41:42 Sen. Esp
10:42:00 Ms. Burkhardt

ADJOURNMENT

Adjournment: 10:42 AM

Jacelyn Sterling, Secretary

js

Additional Documents:

EXHIBIT([jus57aad.pdf](#))

SENATE JUDICIARY

Exhibit No. 10

Date: 3.23.21

Bill No. HB333

Amendments to House Bill No. 333
3rd Reading Copy

Requested by Diane Sands
For the (S) Judiciary

Prepared by Julianne Burkhardt
03/20/2021, 11:00:08

1. Page 1, line 19.

Strike: "and"

Insert: "or"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.



2021 Session

Additional Documents

May include the following:

- **Business Report**
- **Roll Call - Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
 - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

The original exhibit/items are on file at the Montana Historical Society and may be viewed there.

Montana Historical Society Archives, 225 N. Roberts, Helena, MT 59620-1201

Phone (406) 444-4774.

E-Document Specialist: Susie Hamilton SHamilton@mt.gov

BUSINESS REPORT
MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION
SENATE JUDICIARY COMMITTEE

Date: Tuesday, March 23, 2021
Place: Capitol

Time: 8:00 A.M.
Room: 303

BILLS and RESOLUTIONS HEARD:

HB 92 - Establish compensation program for wrongfully convicted individuals - Rep. Kathy Kelker (D)
HB 368 - Adopt Uniform Premarital and Marital Agreements Act - Rep. Sharon Greef (R)
HB 382 - Generally revise the use of exploding targets - Rep. Willis Curdy (D)

EXECUTIVE ACTION TAKEN:

HB 331 - Be Concurred in as Amended
HB 333 - Be Concurred in as Amended
HB 393 - Be Concurred in
HB 478 - Be Concurred in as Amended
HB 115 - Be Concurred in as Amended

Comments:



SEN. Keith Regier, Chair

MONTANA STATE SENATE
Roll Call
JUDICIARY COMMITTEE

DATE: 3.23.2021

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
VICE CHAIR MCGILLVRAY		
VICE CHAIR SANDS		
SEN. ESP		
SEN. HINEBAUCH		
SEN. BENNETT		
SEN. MANZELLA		
SEN. WEBBER		
SEN. BROWN		
SEN. FRIEDEL		
SEN. GROSS		
CHAIRMAN REGIER		
11 Committee Members		



SENATE STANDING COMMITTEE REPORT

March 23, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 331** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator Diane Sands

And, that such amendments read:

1. Title, line 12.

Following: "TIMES"

Insert: "WITH AN EXCEPTION FOR SECURITY ISSUES"

2. Page 6, line 3.

Strike: "have immediate, unlimited access at all times to"

Insert: "be admitted into"

3. Page 6, line 4.

Following: "programs"

Insert: "at any time subject to any immediate safety or security needs of the correctional facility or program"

4. Page 6.

Following: line 13

Insert: "(d) If a legislator is denied entrance under subsection (5)(a), the facility or program must enumerate why access was denied and provide a reasonable estimate of when access will be granted."

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0331001SC13941.slk



SENATE STANDING COMMITTEE REPORT

March 23, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 333** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator Bob Brown

And, that such amendments read:

1. Page 1, line 19.

Strike: "and"

Insert: "or"

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required X

HB0333001SC16494.slk



SENATE STANDING COMMITTEE REPORT

March 23, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 393** (third reading copy -- blue) **be concurred in.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator Tom McGillvray

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ____

HB0393001SC12922.slk



SENATE STANDING COMMITTEE REPORT

March 23, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 478** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator John Esp

And, that such amendments read:

1. Page 4.

Following: line 5

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If both Senate Bill No. 365 and [this act] are passed and approved, then [section 16(3)(b) of Senate Bill 365] must be amended as follows:
"(b) There is a blood-draw search warrant processing account in the state special revenue fund established pursuant to 17-2-102(1)(b). Money provided to the department of justice pursuant to this subsection (3) must be deposited in the account and may be used only for providing forensic analysis of a driver's blood or breath to determine the presence of alcohol or drugs.""

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required X

HB0478001SC12900.slk



SENATE STANDING COMMITTEE REPORT

March 23, 2021

Page 1 of 3

Mr. President:

We, your committee on **Judiciary** report that **House Bill 115** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Keith Regier
Senator Keith Regier, Chair

To be carried by Senator John Esp

And, that such amendments read:

1. Page 3.

Following: line 28

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If both Senate Bill No. 365 and [this act] are passed and approved, then [section 4 of Senate Bill No. 365] must be amended as follows:

"NEW SECTION. Section 4. Penalty for driving under influence -- fourth and subsequent offenses. (1) (a) A person convicted of a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), or (1)(d)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, who has also been convicted under either 45-5-106 or any combination of three or more convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), or (1)(d)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, any drug, or any combination of alcohol and any drug, as provided in [section 2(1)(a)], is guilty of a felony and shall be punished by:

- (i) being sentenced to the department of corrections for a term of not less than 13 months or more than 2 years for placement in either an appropriate correctional facility or a program, followed by a consecutive term of 5 years to the Montana state prison or the Montana women's prison, all of which must be suspended, and a fine of not less than \$5,000 or more than \$10,000; or
- (ii) being sentenced to a term of up to 5 years in an appropriate treatment court program, with required completion, and a fine of not less than \$5,000 or more than \$10,000. If sentenced under this alternative, the

Committee Vote:

Yes 10, No 1

Fiscal Note Required X

HB0115001SC12900.slk

person may be entitled to a suspended sentence but is not eligible for a deferred imposition of sentence.

- (b) Regarding the sentence provided for in subsection (1)(a)(i):
 - (i) the imposition or execution of the sentence may not be deferred or suspended, and the person is not eligible for parole;
 - (ii) the program in subsection (1)(a)(i) may be a residential alcohol treatment program approved by the department of corrections;
 - (iii) following initial placement of a defendant in a residential alcohol treatment program facility, the department of corrections may, at its discretion, place the offender in another facility or program;
 - (iv) the court shall order that if the person successfully completes a residential alcohol treatment program approved by the department of corrections, the remainder of the 13-month to 2-year term must be served on probation with the conditions that:
 - (A) the person abide by the standard conditions of probation promulgated by the department of corrections;
 - (B) a person who is financially able to pay the costs of imprisonment, probation, and alcohol treatment under this section does so;
 - (C) the person may not frequent an establishment where alcoholic beverages are served;
 - (D) the person may not consume alcoholic beverages;
 - (E) the person may not operate a motor vehicle unless authorized by the person's probation officer;
 - (F) the person enter in and remain in an aftercare treatment program for the entirety of the probationary period;
 - (G) the person submit to random or routine drug and alcohol testing; and
 - (H) if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock system; and
 - (v) the sentencing judge may impose on the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:
 - (A) payment of a fine as provided in 46-18-231;
 - (B) payment of costs as provided in 46-18-232 and 46-18-233;
 - (C) payment of costs of assigned counsel as provided in 46-8-113;
 - (D) community service;
 - (E) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or
 - (F) any combination of the restrictions or conditions listed in subsections (1)(b)(v)(A) through (1)(b)(v)(E).
- (2) A person convicted of a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), or (1)(d)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, ~~who was previously placed in a residential alcohol treatment program under subsection (1)(a)(i), whether or not the person successfully completed the program, and who has also been convicted under either 45-5-106 or any combination of four or more prior convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), or (1)(d)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in [section 2(1)(a)], and the person was previously sentenced under subsection (1)(a)(i) or (1)(a)(ii), the person shall be punished by being sentenced to the department of corrections for a term of not less than 13 months or more than 5 years or being fined an amount a fine of not less than \$5,000 or more than \$10,000, or both and by imprisonment in the state prison for a term of not more than 10 years. The person is not eligible for a deferred imposition of sentence.~~

- (3) If a person has previously been convicted and sentenced under subsection (2), the person shall be punished by a fine of not less than \$5,000 or more than \$10,000 and by imprisonment in the state prison for a term of not more than 25 years. The person is not eligible for a deferred imposition of sentence.
- (4) If a person who is presently being sentenced has previously been convicted and sentenced under subsection (3) on one or more occasions, the person shall be punished by a fine of not less than \$5,000 or more than \$10,000 and by imprisonment in the state prison for a term of not less than 5 years or more than 25 years. The first 5 years of the sentence may not be suspended.
- ~~(3)~~ (5) The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to a person sentenced under this section.
- ~~(4)~~ (6) A person punished pursuant to this section is subject to mandatory revocation or suspension of the person's driver's license as provided in chapter 5.""

Renumber: subsequent section

- END -

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.23.2021 BILL NO HB 331 MOTION NO. _____

MOTION: Amendment HB 331.1.1

NAME	AYE	NO	Proxy
VICE CHAIR MCGILLVRAY	✓		
VICE CHAIR SANDS	✓		
SEN. ESP	✓		
SEN. HINEBAUCH	✓		✓
SEN. BENNETT	✓		
SEN. MANZELLA	✓		
SEN. WEBBER	✓		
SEN. BROWN	✓		
SEN. FRIEDEL	✓		
SEN. GROSS	✓		✓
CHAIRMAN REGIER	✓		
11 COMMITTEE MEMBERS			

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.23.2021 BILL NO HB331 MOTION NO. _____

MOTION: Concur as amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
VICE CHAIR MCGILLVRAY	☒		
VICE CHAIR SANDS	☒		
SEN. ESP	☒		
SEN. HINEBAUCH	☒		☒
SEN. BENNETT	☒		
SEN. MANZELLA	☒		
SEN. WEBBER	☒		
SEN. BROWN	☒		
SEN. FRIEDEL	☒		
SEN. GROSS	☒		☒
CHAIRMAN REGIER	☒		
11 COMMITTEE MEMBERS			

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3.23.2021 BILL NO HB115 MOTION NO. _____
MOTION: Be concurred in as amended.

NAME	AYE	NO	Proxy
VICE CHAIR MCGILLVRAY	☒	☐	☐
VICE CHAIR SANDS	☒	☐	☐
SEN. ESP	☒	☐	☐
SEN. HINEBAUCH	☒	☐	☒
SEN. BENNETT	☐	☒	☐
SEN. MANZELLA	☒	☐	☐
SEN. WEBBER	☒	☐	☐
SEN. BROWN	☒	☐	☐
SEN. FRIEDEL	☒	☐	☐
SEN. GROSS	☒	☐	☒
CHAIRMAN REGIER	☒	☐	☐
	☐	☐	☐
11 COMMITTEE MEMBERS	☐	☐	☐

SENATE PROXY

I, Senator Steve Hinebaugh, hereby authorize Senator Esp to vote my proxy before the Senate Judiciary meeting held on March 23, 2021.



Senator Signature

3/23/21
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator Gross, hereby authorize Senator Webber to vote my proxy before the Senate

Judiciary meeting held on _____, 2021.

Senator Signature

Date _____

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

五

HB 368 - Adopt Uniform Premarital and Marital Agreements Act

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

#2

HB 92 - Establish compensation program for wrongfully convicted individuals

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Senate Judiciary Zoom Testimony Request Meeting: 03/17/2021 @ 8:00 AM

Bill	Name	Position	Location	Email	Affiliation
HB 92	Bart Crabtree	Proponent	Great Falls	bart@mtscoja.org	Montana State Council on Judicial Accountability
	Amy Sings In The Timber	Proponent	Missoula	amy@mtinnocenceproject.org	Montana Innocence Project
	Cody Marble	Proponent	Conrad	codymarble@gmail.com	NA
	Kelsen Young	Proponent	Helena	kyoung@mcadsv.com	MCADSV
	Laurie Little Dog	Proponent	Bozeman	LaurieLittleDog@gmail.com	NA
	Brett Dahl	Informational Witness	Helena	bdahl@mt.gov	DOA
HB 368	P. Mars Scott	Proponent	Missoula	pmarsscott@pmarsscott.com	State Bar, Family Law Section
	Gail Goheen	Proponent	Corvallis	gail@gmail.com	State Bar, Family Law Section
HB 382	John Monzie	Informational Witness	Missoula	jmonzie@mt.gov	DNRC

**SENATE JOURNAL
67TH LEGISLATURE
SIXTIETH LEGISLATIVE DAY**

Helena, Montana
March 26, 2021

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Molnar excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

3/26/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-first through the fifty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 396, SB 397, SR 84, HB 49, HB 67, HB 115, HB 131, HB 179, HB 207, HB 233, HB 246, HB 252, HB 259, HB 291, HB 292, HB 307, HB 328, HB 331, HB 364, HB 368, HB 386, HB 393, HB 428, HB 478, HB 496, HB 499, HB 543, HB 556, HB 611.**

Correctly engrossed: **HB 459.**

Correctly enrolled: **SB 60, SB 120, SB 145, SB 221.**

Examined by the sponsor and found to be correct: **SB 52, SB 58, SB 60, SB 113, SB 120, SB 145, SB 221, SB 305.**

Transmitted to the House: **SB 153, SB 263, HB 89, HB 91, HB 121, HB 152, HB 173, HB 211, HB 289, HB 401, HB 402, HB 440, HB 454, HB 541.**

Signed by the Secretary of the Senate at 11:00 a.m., March 25, 2021: **SB 13, SB 38, SB 53, SB 75, SB 109, SB 115, SB 126, SB 128, SB 152, SB 154, SB 170, SB 200, SB 205, SB 227, SB 262, SB 276, SR 57, SR 83.**

Signed by the President at 3:00 p.m., March 25, 2021: **SR 57, SR 83.**

Signed by the President at 3:05 p.m., March 25, 2021: **SB 200, SB 205, SB 227, SB 262, SB 276.**

Signed by the President at 3:45 p.m., March 25, 2021: **SB 13, SB 38, SB 53, SB 75, SB 109, SB 115, SB 126, SB 128, SB 152, SB 154, SB 170.**

Delivered to the Secretary of State at 11:25 a.m., March 26, 2021: **SR 57, SR 83.**

Delivered to the Governor for information March 26, 2021: **SR 57, SR 83.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair):

3/26/2021

HB 589, be concurred in.

HB 609, be concurred in.

JUDICIARY (Regier, Chair):

3/26/2021

HB 229, be concurred in.

SENATE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 26, 2021

NATURAL RESOURCES (Welborn, Chair):
HB 498, be amended as follows:

3/24/2021

1. Title, line 6.
Strike: "76-2-209"
Insert: "76-2-109"

2. Page 1.
Following: line 9

Insert: "**Section 1.** Section 76-2-109, MCA, is amended to read:

"76-2-109. Effect on natural resources. (1) ~~No planning district or recommendations~~ Regulations
adopted under this part ~~shall~~ may not regulate lands used for grazing, horticulture,
agriculture, ~~or the growing of timber or the complete use, development, or recovery of any~~
mineral.

(2) (a) A provision of this part may not be construed to alter Montana law regarding the primacy of
the mineral estate, to limit access to the mineral estate, or to limit development of the
mineral estate.

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the
complete use, development, or recovery of any mineral that is under the jurisdiction of the
board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

3. Page 1, line 10 through line 27.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 2.
Strike: "76-2-209"
Insert: "76-2-109"

And, as amended, be concurred in.

HB 554, be amended as follows:

1. Page 2, line 4.
Following: "legislature"
Insert: "prior to a congressional act"

And, as amended, be concurred in.

TAXATION (Hoven, Chair):
SB 376, do pass.
HB 191, be concurred in.
HB 357, be amended as follows:

3/25/2021

1. Page 1.

SENATE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 26, 2021

Following: line 17

Insert: "(2) "Consumer price index" means the consumer price index, United States city average, for all items, for all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor.

(3) "Inflation factor" means a number determined for each tax year by dividing the consumer price index for June of the previous tax year by the consumer price index for June 2020. "

Strike: subsections (2) and (3) in their entirety

2. Page 3, line 2.

Following: "the"

Strike: "PCE"

3. Page 3, line 3.

Following: "amount."

Insert: "If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year."

4. Page 4, line 15.

Following: the first "the"

Strike: "PCE"

Following: "amount."

Insert: "If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year."

And, as amended, be concurred in.

HB 394, be concurred in.

HB 616, be amended as follows:

1. Page 2.

Following: line 11

Insert: "(5) "Elected" means chosen by vote or acclamation or appointed to a vacancy in an otherwise elected position."

Renumber: subsequent subsections

2. Page 2, line 14.

Following: "means the"

Insert: "elected members of a"

Following: "other"

Insert: "elected members of a"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

SENATE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 26, 2021

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/25/2021

SB 20, introduced by J. Cohenour
SB 55, introduced by J. Cohenour
SB 91, introduced by G. Vance
SB 98, introduced by B. Gillespie
SB 135, introduced by S. Fitzpatrick
SB 178, introduced by C. Friedel

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/25/2021

SB 168, introduced by S. Fitzpatrick

Senate amendments to House bill concurred in: 3/25/2021

HB 35, introduced by S. Stewart Peregoy

HB 20 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 20**: 3/25/2021

Representative Beard, Vice Chair
Representative Berglee
Representative Harvey

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 398, introduced by J. Ellsworth, D. Bedey, S. Berglee, M. Binkley, M. Blasdel, E. Buttrey, J. Carlson, S. Fitzpatrick, W. Galt, S. Gist, S. Gunderson, G. Hertz, C. Hinkle, M. Hopkins, C. Knudsen, B. Ler, R. Marshall, F. Nave, M. Noland, A. Regier, K. Seekins-Crowe, D. Skees, M. Stromswold, J. Trebas, B. Tschida, G. Vance, S. Vinton, referred to Business, Labor, and Economic Affairs.

SB 399, introduced by G. Hertz, M. Blasdel, referred to Taxation.

SB 400, introduced by T. Manzella, S. Berglee, B. Brown, J. Carlson, J. Ellsworth, C. Glimm, J. Hinkle, B. Hoven, D. Kary, B. Keenan, D. Lenz, B. Ler, B. Molnar, B. Phalen, A. Regier, C. Smith, G. Vance, K. Bogner, referred to Judiciary.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hertz in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 90 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 90**. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.

Total 31

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 18

Voted absentee: None.

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 63 - Senator Fitzpatrick moved **HB 63** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Molnar.

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Total 1

Absent or not voting: None.

Total 0

Senator Molnar present at this time.

HB 318 - Senator Lang moved **HB 318** be concurred in.

HB 318 - Senator Flowers moved **HB 318**, second reading copy, be amended as follows:

1. Page 2, line 10.

Following: "that"

Insert: "is not"

2. Page 2, line 12.

Following: "(a)"

Strike: "has not been"

3. Page 2, line 13.

Following: "(b)"

Strike: "has never been"

Following: "15-24-921;"

Insert: "and"

4. Page 2, line 14.

Following: "(c)"

Strike: "has never been"

5. Page 2, line 14 through line 15.

Strike: "i" on line 14 through "15-24-921" on line 15

6. Page 4, line 5.

Following: "that"

Insert: "is not"

7. Page 4, line 6.

Following: "(a)"

Strike: "has not been"

8. Page 4, line 7.

Following: "(b)"

Strike: "has never been"

Following: "15-24-921;"

Insert: "and"

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9. Page 4, line 8.

Following: "(c)"

Strike: "has never been"

10. Page 4, line 8 through line 9.

Strike: "i" on line 8 through "15-24-921" on line 9

11. Page 7, line 25.

Following: "that"

Insert: "is not"

12. Page 7, line 26.

Following: "(a)"

Strike: "has not been"

13. Page 7, line 27.

Following: "(b)"

Strike: "has never been"

Following: "15-24-921;"

Insert: "and"

14. Page 7, line 28.

Following: "(c)"

Strike: "has never been"

15. Page 7, line 28 through page 8, line 1.

Following: "person" on line 28

Strike: remainder of line 28 through "15-24-921" on page 8, line 1

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.

Total 21

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 29

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 318 - Thereupon, the Senate reverted to the original motion of Senator Lang which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.

Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 336 - Senator Bogner moved **HB 336** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 346 - Senator Tempel moved **HB 346** be concurred in. Motion carried as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 432 - Senator Cohenour moved **HB 432** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Ellsworth, Friedel, Kary, Vance.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 31 - Senator Fox moved **HB 31** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

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Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 192 - Senator K. Regier moved **HB 192** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 47

Nays: Kary, Manzella, Vance.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 14 - Senator Tempel moved **HJ 14** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 46

Nays: Esp, Hinebauch, Keenan, Regier K.

Total 4

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 416 - Senator Gross moved **HB 416** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 146 - Senator Kary moved **HB 146** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 159 - Senator Osmundson moved **HB 159** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 38

Nays: Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 12

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 614 - Senator Pope moved **HB 614** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Mr. President.

Total 30

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Glimm, Hertz, Hinebauch, Howard, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Tempel, Vance, Welborn.

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 333 - Senator Brown moved **HB 333** be concurred in. Motion carried as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 269 - Senator Hoven moved **SB 269** do pass.

SB 269 - Senator Hoven moved **SB 269**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "PARK"

Insert: "; REQUIRING THE NOTIFICATION OF MOBILE HOME PARK OWNERS; ESTABLISHING A SPECIAL REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION"

2. Title, line 9.

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, line 9.

Following: "15-31-163"

Insert: "AND 17-7-502"

4. Page 2.

Following: line 15

Insert: "NEW SECTION. **Section 1. Notification of mobile home park owners.** (1) The department shall annually provide a list of the names and addresses of mobile home park owners to the board of housing provided for in 2-15-1814 for the purposes of this section. (2) The board of housing shall annually and as necessary send notifications to mobile home park owners that facilitates, supports, and incentivizes mobile home park owners to utilize the benefits available pursuant to 15-31-163 and other benefits and reasons to sell a mobile home park to a tenants' association, a mobile home park residents' association, or a nonprofit organization."

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(3) Costs associated with the mailing of notices required in subsection (2) may be paid for using funds available in the account provided for in [section 2].

(4) The provisions of 2-6-1017 do not apply to the requirements of this section."

Insert: "NEW SECTION. **Section 2. Account for notification of mobile home park owners.**

(1) There is a special revenue account within the state special revenue fund established in 17-2-102 for the notification of mobile home park owners as required in [section 1].

(2) There must be deposited in the account all monetary contributions, gifts, and donations for the purposes of providing the notification required in [section 1].

(3) Money in the account is statutorily appropriated, as provided in 17-7-502, to the board of housing established in 2-15-1814 and may only be used for those purposes provided in this section."

Renumber: subsequent sections

5. Page 3.

Following: line 12

Insert: "Section 4. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-1304; 10-4-301; [10-4-304;] 15-1-121; 15-1-218; [section 2]; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-416; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount

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sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023, and pursuant to sec. 2, Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; pursuant to sec. 31(2), Ch. 367, L. 2017, the inclusion of 10-4-301 terminates July 1, 2018, and the inclusion of 10-4-304 is effective July 1, 2018; and pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027.)"

Renumber: subsequent sections

6. Page 4.

Following: line 27

Insert: "NEW SECTION. **Section 5. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 15, chapter 31, part 1, and the provisions of Title 15, chapter 31, part 1, apply to [sections 1 and 2]."

Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.

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Total 47

Nays: Friedel, Smith C, Vance.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 269 - As amended, **SB 269** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 46

Nays: Friedel, Kary, Smith C, Vance.

Total 4

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 49 - House Amendments - President Blasdel moved House amendments to **SB 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 46

Nays: Cuffe, Howard, McGillvray, Smith C.

Total 4

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 57 - House Amendments - Senator Pomnichowski moved House amendments to **SB 57** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 48

Nays: Glimm, Vance.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Hertz moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 45

Nays: Cohenour, Flowers, Gross, Morigeau, Webber.

Total 5

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 156, as amended by the House, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: Cuffe, Howard.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 55 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 129 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 179 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: Keenan, McGillvray.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 207 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 246 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 259 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

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President.

Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 291 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 45

Nays: Hinebauch, Kary, Manzella, Smith C, Vance.

Total 5

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 292 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 42

Nays: Cuffe, Ellsworth, Howard, Kary, Keenan, Manzella, Osmundson, Vance.

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Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 331 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 393 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 478 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 496 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Fox.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 543 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Pomnichowski, Pope, Sands, Webber.

Total 16

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 611 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 49 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau,

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O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 42

Nays: Cuffe, Glimm, Kary, Lang, Manzella, Regier K, Smith C, Vance.

Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 252 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Fitzpatrick, Friedel, Gauthier, Gillespie, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 32

Nays: Bennett, Boland, Cohenour, Ellsworth, Esp, Flowers, Fox, Glimm, Gross, Hinebauch, Howard, Keenan, Manzella, McGillvray, Pomnichowski, Pope, Regier K, Webber.

Total 18

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Senator Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 20**. Motion carried. President Blasdel appointed: 3/26/2021

Senator Vance, Chair

Senator Ellsworth

Senator Sands

Senator McGillvray moved to change his third-reading vote on **HB 440**, from the previous

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legislative day, from Yes to No. Without objection, so ordered.

Senator Boland moved to change her third-reading vote on **HB 252** from Yes to No. Without objection, so ordered.

Senator Boldman moved to change her third-reading vote on **HB 252** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, March 29, 2021, the sixty-first legislative day. Motion carried.

Senate adjourned at 2:30 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

**SENATE JOURNAL
67TH LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 29, 2021

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Molnar excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

3/29/2021

Correctly printed: **SB 376, SB 398, SB 399, SB 400, SR 90, HB 31, HB 63, HB 146, HB 159, HB 191, HB 192, HB 229, HB 318, HB 333, HB 336, HB 346, HB 394, HB 416, HB 432, HB 589, HB 609, HB 614, HJ 14.**

Correctly engrossed: **SB 269, HB 357, HB 498, HB 554, HB 616.**

Examined by the sponsor and found to be correct: **SB 127, SB 193.**

Transmitted to the House: **HB 49, HB 55, HB 129, HB 179, HB 207, HB 246, HB 252, HB 259, HB 291, HB 292, HB 331, HB 393, HB 478, HB 496, HB 543, HB 611.**

Signed by the Speaker at 3:40 p.m., March 26, 2021: **SB 200, SB 205, SB 227, SB 262, SB 276.**

Signed by the Speaker at 3:50 p.m., March 26, 2021: **SB 13, SB 38, SB 53, SB 75, SB 109, SB 115, SB 126, SB 128, SB 152, SB 154, SB 170.**

Delivered to the Governor for signature at 8:25 a.m., March 29, 2021: **SB 13, SB 38, SB 53, SB 75, SB 109, SB 115, SB 126, SB 128, SB 152, SB 154, SB 170, SB 200, SB 205, SB 227, SB 262, SB 276.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair):

3/26/2021

SB 374, introduced bill, be amended as follows:

1. Title, line 6.

Following: "FOR"

Insert: "AND LIMITATIONS ON"

2. Title, line 7.

Following: "37-2-104"

Insert: ", 37-7-103,"

3. Page 1, line 15.

Strike: "**A**"

Insert: "Subject to subsection (7), a"

4. Page 1, line 15.

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Strike: "as provided in"

Insert: "if the practitioner:

(a) registers with the board of pharmacy provided for in 2-15-1733; and

(b) complies with the requirements of"

5. Page 2, line 3.

Following: "storage,"

Insert: "inspection,"

6. Page 2, line 5.

Strike: "Except as provided in subsection (7), a"

Insert: "A"

7. Page 2, line 5 through line 6.

Strike: "wishing" on line 5 through "register" on line 6

Insert: "registering"

8. Page 2, line 6.

Strike: "provided for in 2-15-1733 and"

Insert: "shall"

9. Page 2.

Following: line 7

Insert: "(7) Except as provided in subsection (8), a medical practitioner registered with the board of pharmacy may not dispense drugs to an injured worker being treated pursuant to Title 39, chapter 71."

Renumber: subsequent subsections

10. Page 2, line 9.

Following: "drugs"

Insert: "or when a practitioner registered to dispense drugs is treating an injured worker pursuant to Title 39, chapter 71"

11. Page 3, line 2.

Strike: "(7)(h)"

Insert: "(8)(h)"

12. Page 3.

Following: line 14

Insert: "**Section 3.** Section 37-7-103, MCA, is amended to read:

"37-7-103. Exemptions. Subject only to 37-2-104, 37-7-401, and 37-7-402, this chapter does not:

(1) subject a medical practitioner, as defined in 37-2-101, or a person who is licensed in this state to practice ~~medicine, dentistry, or veterinary~~ medicine to inspection by the board, prevent the person from compounding or using drugs, medicines, chemicals, or poisons in the person's practice, or prevent a ~~person who is licensed to practice medicine~~ medical

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- practitioner from furnishing to a patient drugs, medicines, chemicals, or poisons that the person considers proper in the treatment of the patient;
- (2) prevent the sale of drugs, medicines, chemicals, or poisons at wholesale;
 - (3) prevent the sale of drugs, chemicals, or poisons at either wholesale or retail for use for commercial purposes or in the arts;
 - (4) change any of the provisions of this code relating to the sale of insecticides and fungicides;
 - (5) prevent the sale of common household preparations and other drugs if the stores selling them are licensed under the terms of this chapter;
 - (6) apply to or interfere with manufacture, wholesaling, vending, or retailing of flavoring extracts, toilet articles, cosmetics, perfumes, spices, and other commonly used household articles of a chemical nature for use for nonmedicinal purposes;
 - (7) prevent a registered nurse employed by a family planning clinic under contract with the department of public health and human services from dispensing factory prepackaged contraceptives, other than mifepristone, if the dispensing is in accordance with a physician's written protocol specifying the circumstances under which dispensing is appropriate and is in accordance with the board's requirements for labeling, storage, and recordkeeping of drugs; or
 - (8) prevent a certified agency from possessing, or a certified euthanasia technician or support personnel under the supervision of the employing veterinarian from administering, any controlled substance authorized by the board of veterinary medicine for the purpose of euthanasia pursuant to Title 37, chapter 18, part 6."

Renumber: subsequent sections

And, as amended, do pass.

SB 378, introduced bill, be amended as follows:

1. Page 1.

Following: line 13

Insert: "(1) (a) "Multiple competitor sports pool" means a sports pool in which three or more competitors simultaneously compete in a college or professional sports event or series of sports events. The term includes but is not limited to a sports event in which competitors are placed into a bracket.

(b) The term does not include multiple competitor sports pools utilizing any form of internet gambling as defined in 23-5-112."

2. Page 1, line 14.

Strike: "(1) (a)"

Insert: "(2)"

3. Page 1, line 18 through line 21.

Strike: subsection (b) in its entirety

4. Page 1, line 22.

Strike: "(2)"

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Insert: "(3)"

5. Page 1, line 24.

Strike: "(3)"

Insert: "(4)"

And, as amended, do pass.

SR 91, introduced resolution, be amended as follows:

1. Page 1, line 13.

Strike: "Barbara Jenkins, Kalispell, Montana, appointed to a term ending October 1, 2025."

And, as amended, be adopted.

JUDICIARY (Regier, Chair):

3/26/2021

HB 382, be amended as follows:

1. Page 1, line 17.

Strike: "dangerous fire conditions exist"

Insert: "that fire danger is high, very high, or extreme"

2. Page 1, line 26.

Strike: "dangerous fire conditions exist"

Insert: "that fire danger is high, very high, or extreme"

3. Page 2, line 7.

Strike: "dangerous fire conditions exist"

Insert: "that fire danger is high, very high, or extreme"

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):

3/26/2021

SR 94, introduced resolution, be amended as follows:

And, as amended, be adopted.

HB 398, be concurred in.

HB 423, be amended as follows:

1. Page 1, line 24.

Strike: "EIGHT"

Insert: "12"

2. Page 1, line 25.

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Strike: "as follows:"

Insert: "."

(2) (a) The director shall appoint the following voting members:"

Renumber: subsequent subsections

3. Page 1, line 26.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

4. Page 2, line 5.

Following: "disorders;"

Strike: "and"

5. Page 2, line 7.

Following: "laboratory"

Insert: "; and

(vii) one member who works in a tribal health care system"

6. Page 2.

Following: line 7.

Insert: "(b) The director shall appoint the following department employees as nonvoting members:

(i) the chief medical director;

(ii) a representative of the newborn screening program; and

(iii) a representative of the laboratory services bureau."

7. Page 2, line 8.

Following: "board"

Insert: "voting"

8. Page 2, line 10.

Strike: "six"

Insert: "eight voting"

9. Page 2, line 10.

Strike: "3, OR 4"

Insert: "or 3"

10. Page 2, line 11.

Strike: "two"

Insert: "four"

10.5. Page 2, line 14.

Following: "subsection"

Strike: "(2)"

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Insert: "(3)"

11. Page 2, line 15.

Following: "protocol."

Insert: "In making recommendations to the department, the committee shall use federally recognized national standards for newborn screening, including the recommended uniform screening panel developed by the health resources and services administration of the United States department of health and human services."

12. Page 2, line 25.

Following: "PRIORITY"

Strike: "AT ITS FIRST MEETING"

13. Page 2, line 25 through line 27.

Strike: "AND SHALL" on line 25 through "COMMITTEE" on line 27

And, as amended, be concurred in.

HB 426, be amended as follows:

1. Title, line 7.

Following: "RESPONSES;"

Insert: "CLARIFYING THAT THE OMBUDSMAN MAY INDEPENDENTLY INVESTIGATE A MATTER BEING ADDRESSED IN ANOTHER MANNER;"

2. Page 3, line 4.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

3. Page 3.

Following: line 9

Insert: "(2) The ombudsman may investigate a request for assistance in a matter that is being or may reasonably be addressed by another remedy or channel, including a matter that is before a court."

Renumber: subsequent subsections

5. Page 3, line 13.

Strike: "30"

Insert: "60"

6. Page 3, line 14.

Strike: "has taken"

Insert: "is taking"

And, as amended, be concurred in.

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Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 26, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Friday, March 26th, I signed the following bills:

Senate Bill 18 - Salomon
Senate Bill 80 - Regier
Senate Bill 123 - Regier

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/26/2021

SB 240, introduced by T. Manzella
SB 267, introduced by B. Brown

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/26/2021

SB 169, introduced by M. Cuffe
SB 196, introduced by T. McGillvray
SB 211, introduced by S. Fitzpatrick
SB 309, introduced by W. Sales

House bill passed and transmitted to the Senate for concurrence:

3/26/2021

HB 624, introduced by A. Buckley

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FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 402, introduced by C. Smith, J. Ellsworth, referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 401, introduced by D. Howard, C. Smith, J. Ellsworth, C. Glimm, G. Hertz, S. Hinebauch, D. Kary, M. Lang, T. McGillvray, K. Regier, C. Smith, G. Vance.

The following House bill was introduced and read first time:

HB 624, introduced by A. Buckley, E. Buttrey, D. Salomon, F. Anderson, W. Sales, T. Welch, S. O'Brien.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gillespie in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Molnar present at this time.

SB 320 - Senator Boldman moved **SB 320** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 34

Nays: Ankney, Cuffe, Esp, Fitzpatrick, Glimm, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Regier K, Smith C, Vance.

Total 16

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 556 - Senator Welborn moved **HB 556** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 50 - Senator Tempel moved **HB 50** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 36

Nays: Bogner, Brown, Esp, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, Regier K, Smith C, Vance, Mr. President.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 494 - Senator Lynch moved **HB 494** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

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Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 368 - Senator Sands moved **HB 368** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Brown, Cuffe, Ellsworth, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Vance, Mr. President.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 386 - Senator Brown moved **HB 386** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

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Nays: Pomnichowski.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 499 - Senator Manzella moved **HB 499** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Bolland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 231 - Senator Glimm moved **HB 231** be concurred in.

HB 231 - Senator Glimm moved **HB 231**, second reading copy, be amended as follows:

1. Page 9, line 24.

Following: "definitions"

Insert: "-- report on capital expenditures not subject to certificate of need"

2. Page 11.

Following: line 25

Insert: "(4) (a) When a person incurs an obligation by or on behalf of a long-term care facility for a capital expenditure that exceeds \$5 million and does not otherwise require a certificate of need under this part, the person shall, upon completion of the project:

(i) notify the department of the total amount of the expenditure; and

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(ii) provide a description of the project.

(b) This subsection (4) does not apply to a capital expenditure that involves the acquisition of an existing long-term care facility."

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 37

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, Morigeau, O'Brien, Sweeney.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 231 - As amended, **HB 231** was concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 307 - Senator Sands moved **HB 307** be concurred in. Motion carried as follows:

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Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.

Total 38

Nays: Ankney, Esp, Friedel, Gross, Hoven, Manzella, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn.

Total 12

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 328 - Senator McNally moved **HB 328** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 47

Nays: Cuffe, Regier K, Vance.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 364 - Senator McGillvray moved **HB 364** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

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Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 459 - Senator Glimm moved **HB 459** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 6 - Senator Hertz moved **HJ 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 45

Nays: Gross, McClafferty, Pomnichowski, Sands, Webber.

Total 5

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 168 - House Amendments - Senator Fitzpatrick moved House amendments to **SB 168** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Gillespie moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 49, as amended by the House, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 44

Nays: Cuffe, Esp, Howard, Keenan, McGillvray, Smith C.

Total 6

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 57, as amended by the House, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 48

Nays: Glimm, Vance.

Total 2

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 31 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Keenan.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 63 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 33

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Glimm, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sweeney, Webber.

Total 17

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 146 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 159 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 192 concurred in as follows:

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Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 43

Nays: Ankney, Cuffe, Glimm, Kary, Manzella, Vance, Welborn.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 318 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 333 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

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Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 336 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 346 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 416 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 432 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Ellsworth, Kary, Osmundson, Vance.

Total 4

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 614 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.

Total 29

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.

Total 21

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 14 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 45

Nays: Esp, Hinebauch, Lang, Regier K, Vance.

Total 5

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Smith moved the Senate suspend rules S40-40, S40-60, S50-190, and joint

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rule 40-150 through the sixty-seventh legislative day. Without objection, so ordered.

Senator Molnar moved the Senate use the subpoena power provided in 5-5-101, MCA, to compel Northwestern Energy representatives to attend the hearing in the Energy and Telecommunications Committee on **SB 379**. President Blasdel stated he will not offer that subpoena and Senator Molnar withdraw his motion.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Ellie Blasdel, from Somers, Montana, sponsored by Senate President Blasdel
Thea Gillespie, from Madison, Wisconsin, sponsored by Senator Gillespie
Riley Glimm from Kila, Montana, sponsored by Senator Glimm
Leah Knudsen from East Helena, Montana, sponsored by Senator Vance
Reagan Long from Livingston, Montana, sponsored by Senator Esp

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, March 30, 2021, the sixty-second legislative day. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

**HOUSE JOURNAL
67TH LEGISLATURE
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana
April 13, 2021

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative J. Hinkle. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Greef and Gunderson, excused. Quorum present.

BILLS (J. Hinkle, Chair): 4/13/2021

Correctly printed: **HJR 36, HJR 37, HJR 38, SB 201, SB 249, SB 265, SB 266, SB 328, SB 363, SB 364, SJR 16, SJR 19.**

Correctly engrossed: **SB 142, SB 149, SB 183, SB 220, SB 316, SB 320, SJR 18.**

Transmitted to the Senate: **SB 201, SB 249, SB 265, SB 266, SB 294, SB 328, SB 358, SB 363, SB 364, SJR 16, SJR 19.**

Signed by the President at 7:30 a.m., April 13, 2021: **HB 201, HB 258, HB 298, HB 394, HB 451, HB 463, HB 480, HB 589.**

Delivered to the Governor for approval at 9:29 a.m., April 13, 2021: **HB 201, HB 258, HB 298, HB 394, HB 451, HB 463, HB 480, HB 589.**

COMMUNICATIONS AND PETITIONS

Mr. Speaker:

We, your committee on Legislative Administration, having examined the daily journals for the fifty-first, fifty-second, fifty-third, fifty-fourth, and fifty-fifth legislative days, find the same to be correct.

Representative J. Hinkle, Chair

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Noland, Chair): 4/13/2021

SB 320, be amended as follows:

1. Page 4, line 26.

Strike: "equipment, trucks,"

Insert: "vehicles"

2. Page 4, line 28.

Strike: "value" in two places

Insert: "purchase price" in two places

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3. Page 8, line 3.

Strike: "equipment, trucks,"

Insert: "vehicles"

4. Page 8, line 5.

Strike: "value" in two places

Insert: "purchase price" in two places

5. Page 13, line 17.

Strike: "equipment, trucks,"

Insert: "vehicles"

6. Page 13, line 19.

Strike: "value" in two places

Insert: "purchase price" in two places

And, as amended, be concurred in. Report adopted.

EDUCATION (Berglee, Chair):

4/12/2021

SB 243, be concurred in. Report adopted.

ENERGY, TECHNOLOGY AND FEDERAL RELATIONS (Skees, Chair):

4/12/2021

SB 81, be concurred in. Report adopted.

SB 134, be concurred in. Report adopted.

SB 147, be concurred in. Report adopted.

SB 183, be amended as follows:

1. Title, line 6.

Following: "LIMITATIONS;"

Strike: "AND"

Following: "PROVISIONS"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1.

Following: line 27

Insert: "NEW SECTION. Section 3. {standard} Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. Section 4. Applicability. [This act] applies to bills presented to a customer after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

SB 213, be concurred in. Report adopted.

SB 237, be concurred in. Report adopted.

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SB 254, be concurred in. Report adopted.

HUMAN SERVICES (Lenz, Chair):

4/12/2021

SB 142, be amended as follows:

1. Page 1, line 13.

Strike: "SEVEN"

Insert: "eight"

2. Page 2, line 16.

Strike: "SEVEN"

Insert: "eight"

3. Page 2, line 18.

Strike: "8 TO 15"

Insert: "9 to 15"

And, as amended, be concurred in. Report adopted.

SB 149, be amended as follows:

1. Page 1, line 22 through line 24.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

2. Page 2, line 1.

Following: "subsection"

Strike: "(1)(f)"

Insert: "(1)(e)"

And, as amended, be concurred in. Report adopted.

SB 155, be concurred in. Report adopted.

SB 332, be concurred in. Report adopted.

NATURAL RESOURCES (Gunderson, Chair):

4/12/2021

HJR 27, do pass. Report adopted.

STATE ADMINISTRATION (McKamey, Chair):

4/13/2021

SB 232, be concurred in. Report adopted.

TRANSPORTATION (Loge, Chair):

4/12/2021

SB 285, be concurred in. Report adopted.

SB 336, be concurred in. Report adopted.

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REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 39**
Report No. 002, April 12, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 39** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 39** (reference copy -- salmon) be amended as follows:

1. Page 3, line 26.

Strike: "LICENSED SEXUAL OFFENDER EVALUATORS"

Insert: "licensees of the boards listed in subsection (1) who have been engaged in the practice of evaluating sexual offenders during the last 4 years"

2. Page 4, line 9.

Following: "(3) THE"

Strike: "EDUCATIONAL AND EXPERIENTIAL"

3. Page 4, line 19.

Following: "OFFENDERS"

Strike: "WITHIN THE LAST 4 YEARS"

4. Page 4, line 20.

Following: the second "OFFENDERS"

Insert: ". The provisions of this subsection (3)(b) do not apply when an evaluator is renewing the endorsement"

5. Page 4, line 21.

Strike: "10"

Insert: "2"

6. Page 4, line 20 through line 21.

Strike: "IN" on line 21 through "YEARS" on line 22

7. Page 4, line 22.

Following: "YEARS;"

Strike: "AND"

8. Page 4, line 24.

Following: "TREATMENT"

Insert: "; and

(e) must renew the license endorsement concurrent with the evaluator's professional license"

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For the Senate:

K. Regier, Chair
Hinebauch
Sands

For the House:

Usher, Vice Chair
Kelker
A. Regier

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

4/9/2021

HB 525, introduced by E. Buttrey

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 39, introduced by D. Tenenbaum, referred to Human Services.

MOTIONS

Representative M. Regier moved to reconsider action on **HB 63** and that **HB 63** be placed on second reading on the 71st Legislative Day.

Motion **passed** as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 80

Nays: Buttrey, Caferro, Farris-Olsen, France, Hamilton, Hayman, Kassmier, Keane, Kortum, Marler, Noland, Olsen, Running Wolf, Stewart Peregoy, Tenenbaum, Whiteman Pena, Windy Boy.

Total 17

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

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Absent or not voting: Weatherwax.

Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mercer in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senate Amendments - Representative Jones moved Senate amendments to **HB 2** be **not** concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov,

Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

HB 90 - Senate Amendments - Representative Lenz moved Senate amendments to **HB 90** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen,

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Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov,

Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

HB 179 - Senate Amendments - Representative Bedey moved Senate amendments to **HB 179** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Nave, Noland, Novak, Olsen, Patelis, Putnam, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 85

Nays: Duram, Fielder, Galloway, Hill, Hinkle C, Karjala, Kerns, Mitchell, Moore, Phalen, Read, Reksten, Sheldon-Galloway, Skees, Usher.

Total 15

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

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Absent or not voting: None.

Total 0

HB 331 - Senate Amendments - Speaker Pro Tempore. Knudsen moved Senate amendments to **HB 331** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Tenenbaum.

Total 1

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

HB 333 - Senate Amendments - Representative Usher moved Senate amendments to **HB 333** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov,

Mr. Speaker.

Total 100

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Nays: None.

Total 0

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

HR 7 - Majority Leader Vinton moved **HR 7** be adopted.

HR 7 - Representative Windy Boy moved **HR 7**, second reading copy, be amended as follows:

1. Page 2, line 7.

Following: "services"

Insert: ", not to exceed a total of \$10,000,"

Amendment **not** adopted as follows:

Yeas: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Nays: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 68

Voted absentee: Greef, Gunderson, No.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

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HR 7 - Majority Leader Vinton moved **HR 7** be adopted. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 272 - Speaker Pro Tempore Knudsen moved **SB 272** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mitchell, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, McKamey, Mercer, Moore, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: Greef, Gunderson, Aye.

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Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 301 - Representative Loge moved **SB 301** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum,

Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 314 - Representative Berglee moved **SB 314** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 64

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Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Greef, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Nave, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 36

Voted absentee: Gunderson, Aye; Greef, No.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 337 - Representative Loge moved **SB 337** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 338 - Representative Phalen moved **SB 338** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore,

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Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 360 - Representative Duram moved **SB 360** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam,

Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 74

Nays: Abbott, Bishop, Caferro, Dunwell, Farris-Olsen, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Novak, Olsen, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena.

Total 26

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

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SJR 8 - Representative Phalen moved **SJR 8** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SJR 10 - Representative Skees moved **SJR 10** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.

Total 87

Nays: Abbott, Dunwell, Farris-Olsen, Hamilton, Hayman, Karjala, Keogh, Kortum, Marler, Tenenbaum, Thane, Weatherwax, Windy Boy.

Total 13

Voted absentee: Greef, Gunderson, Aye.

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Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SJR 18 - Representative Fielder moved **SJR 18** be concurred in.

SJR 18 - Representative Fielder moved **SJR 18**, second reading copy, be amended as follows:

1. Title, line 7 through line 8.

Strike: "THAT" on line 7 through "CRITERIA" on line 8

2. Page 1.

Following: line 19

Insert: "WHEREAS, in Senate Report 151 of the 96th United States Congress, the Congress instructed that the authority to designate distinct population segments be exercised "sparingly and only when the biological evidence indicates that such action is warranted"; and"

3. Page 1.

Following: line 28

Insert: "WHEREAS, for the purpose of the discrete population segment policy, the United States Fish and Wildlife Service and the National Marine Fisheries Service define "discreteness" as being separated from other populations of the same species by physical, physiological, ecological, or behavioral factors, or as being delimited by international governmental boundaries with significant differences in habitat management, conservation regulations, exploitation control, or regulatory mechanisms, and

WHEREAS, because of the genetic interchange between the Northern Continental Divide, Cabinet-Yaak, and Selkirk grizzly bear recovery zones, and because of the genetic interchange that occurs between grizzly bears crossing the border between the United States and Canada, these three recovery zones should be considered one large interbreeding distinct population segment; and

WHEREAS, delisting efforts for the Greater Yellowstone Grizzly Bear Recovery Zone have been ongoing for 13 years, and the grizzly bear population in the Northern Continental Divide Grizzly Bear Recovery Zone has reached recovery goals and should also be in an ongoing delisting process; and"

4. Page 2, line 1 through page 2, line 15

Strike: "WHEREAS" on line 1 through "conservation" on line 15

Insert: "WHEREAS, delays in the United States Fish and Wildlife Service delisting process create a significant loss of social tolerance among Montanans who are adversely impacted by the continued expansion of grizzly bears"

5. Page 2, line 19 through line 22.

Strike: "in" on line 19 through "plans" on line 22

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Insert: "from the Endangered Species Act and the return of Montana grizzly bears to state management"

6. Page 2, line 24 through line 26.

Strike: "in" on line 24 through "challenges" on line 26

Insert: "across all ranges"

7. Page 2, line 27 through page 3, line 1.

Following: "Legislature" on line 27

Strike: remainder of line 27 through "Montana" on page 3, line 1

Insert: "requests that the United States Fish and Wildlife Service create a statewide distinct population segment that includes all of Montana's grizzly bear recovery zones for the purpose of delisting the bear and returning its management to state control"

8. Page 3, line 6 through line 8.

Strike: "to" on line 6 through "delisting" on line 8

Insert: ", as part of its efforts to return management of Montana's grizzly bears to the state, to exempt the delisting of grizzly bear populations from judicial review"

9. Page 3, line 9 through line 11.

Strike: line 9 through line 11 in their entirety

Amendment adopted as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 67

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 33

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

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Absent or not voting: None.

Total 0

SJR 18 - Representative Fielder moved **SJR 18**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 68

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: Greef, Gunderson, Aye.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

Majority Leader Vinton moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Mercer moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gist, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 82

Nays: Bishop, Hamilton, Hayman, Karjala, Kortum, Olsen, Running Wolf, Smith, Stewart Peregoy, Usher, Weatherwax, Whiteman Pena, Windy Boy.

Total 13

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Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: Gillette, Keane, Mercer.

Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 129 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 69

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, Funk, Hamilton, Harvey, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Novak, Olsen, Phalen, Running Wolf, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Weatherwax, Whiteman Pena, Windy Boy.

Total 27

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: France, Smith.

Total 2

HB 146 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum,

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Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 95

Nays: Karjala, Marler, Olsen.
Total 3

Voted absentee: None.

Excused: Greef, Gunderson.
Total 2

Absent or not voting: None.
Total 0

HB 334 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 33

Voted absentee: None.

Excused: Greef, Gunderson.
Total 2

Absent or not voting: None.
Total 0

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SB 201 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 249 concurred in as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: Moore.

Total 1

Voted absentee: None.

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Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 265 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 63

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Mercer, Moore, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 35

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 266 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 71

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, France, Funk, Hamilton, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith,

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Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 27

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 294 concurred in as follows:

Yeas: Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Hamilton, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Anderson, Bishop, Buttrey, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Harvey, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 328 concurred in as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland,

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Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: None.

Total 0

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 358 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 69

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 29

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

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SB 363 concurred in as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 96

Nays: Olsen, Tenenbaum.

Total 2

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

SB 364 concurred in as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: None.

Total 0

Voted absentee: None.

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Excused: Greef, Gunderson.

Total 2

Absent or not voting: Jones.

Total 1

SJR 16 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 69

Nays: Abbott, Bishop, Buckley, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 28

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: Caferro.

Total 1

SJR 19 concurred in as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

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Nays: None.

Total 0

Voted absentee: None.

Excused: Greef, Gunderson.

Total 2

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Usher, Chair):

4/13/2021

SB 219, be concurred in. Report adopted.

SB 220, be amended as follows:

1. Page 1, line 15.

Following: "use of"

Insert: ":

(i)"

2. Page 1, line 16.

Following: "weapon"

Insert: ";

Following: "or"

Insert: "(ii)"

3. Page 1, line 20.

Following: "judicial officer"

Insert: ":

(i)"

4. Page 1, line 21.

Following: "(1)(b)"

Insert: "(i)"

5. Page 1, line 22.

Following: "\$50,000"

Insert: "; or

(ii) under subsection (1)(b)(ii) shall be imprisoned in the state prison for a term not to exceed 10 years and may be fined an amount not to exceed \$50,000"

And, as amended, be concurred in. Report adopted.

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SB 316, be amended as follows:

1. Title, line 10.

Following: "FUNDS;"

Insert: "PROVIDING FOR RESTORATION DAMAGES;"

2. Page 4.

Following: line 1

Insert: "NEW SECTION. **Section 4. Restoration damages.** (1) Except as provided in subsections (2) and (3), this section applies to civil claims brought in judicial proceedings on behalf of individuals and entities for the recovery of restoration damages to address impacts to real property caused by releases of hazardous or deleterious substances.

(2) Restoration damages may be awarded only for a claim alleging contamination of special use property and may be obtained only in accordance with the definitions and other requirements set forth in this section. The plaintiff bears the burden of proof to show that the property meets the definition of special use property.

(3) Restoration damages may not be awarded or used to alter an interim or final remedial action that has been or will be undertaken on, or will benefit, a special use property pursuant to any of the following authorities:

(a) a federal administrative order issued pursuant to 42 USC 9601, et seq., as of March 27, 2021;

(b) a state administrative order issued pursuant to this part;

(c) a judicially approved consent decree; or

(d) any other interim or final remedial action plan approved by the department pursuant to state statutory or administrative law.

(4) (a) Restoration damages awarded pursuant to subsection (2), exclusive of awards of attorney fees and costs, may be used only to conduct remedial and corrective action necessary to restore the special use property for which the damages were awarded. Restoration must commence within 3 years from the date the judgment is paid or settlement proceeds are received.

(b) If any awarded restoration damages remain after completion of the restoration work, the surplus must be refunded to the defendant. If the defendant is no longer viable or cannot be found, the funds must be remitted to the department.

(5) Any party may request that a court awarding restoration damages also order that those damages be deposited in a segregated trust or escrow account at a commercial bank or trust company to ensure compliance with subsection (4)(a). The plaintiff may create a trust or escrow account to be overseen by a qualified professional to restore the special use property.

(6) Nothing in this section precludes the award of other damages allowed under common law and statute.

(7) As used in this section, the following definitions apply:

(a) "Qualified professional" means a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgement to design and oversee implementation of a restoration plan.

(b) "Restoration damages" means the amount of compensation determined reasonably necessary by a trier of fact to restore a contaminated special use property to its function, use,

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or condition prior to the contamination on which a civil claim is based, unless contamination was present at the time the plaintiff acquired the special use property, in which case the term means the amount of compensation determined necessary by a trier of fact to restore a contaminated special use property to the function, use, or condition that existed at the time the plaintiff acquired the special use property.

(c) "Special use property" means real property contaminated by a release of a hazardous or deleterious substance that is found by a trier of fact to have objectively reasonable personal value to the plaintiff not reflected in the market value of the property or to have unique public, historic, cultural, or religious value not reflected in the market value of the property."

Renumber: subsequent sections

3. Page 4, line 2.

Following: "instruction."

Insert: "(1)"

4. Page 4.

Following: line 3

Insert: "(2) [Section 4] is intended to be codified in Title 75, chapter 10, part 7, and the provisions of Title 75, chapter 10, part 7, apply to [section 4]."

And, as amended, be concurred in. Report adopted.

TAXATION (Beard, Chair):

4/13/2021

HJR 36, do pass. Report adopted.

SB 376, be concurred in. Report adopted.

MOTIONS

Majority Leader Vinton moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on Senate Amendments to **HB 2** and request the Senate to appoint a like committee. Without objection, Speaker Galt appointed:

Representative Jones
Representative Bartel
Representative Caferro

Majority Leader Vinton moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate Amendments to **HB 112** and request the Senate to appoint a like committee. Without objection, Speaker Galt appointed:

Representative Fuller
Representative A. Regier
Representative France

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Majority Leader Vinton moved to re-refer **SB 272** to the Appropriations Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vinton moved the House adjourn until 1:00 p.m., Wednesday, April 14, 2021. Motion carried.

House adjourned at 2:59 p.m.

CAROLYN TSCHIDA
Chief Clerk of the House

WYLIE GALT
Speaker of the House

**HOUSE JOURNAL
67TH LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 14, 2021

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Fitzgerald. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Greef and Weatherwax, excused. Quorum present.

BILLS (J. Hinkle, Chair): 4/14/2021

Correctly printed: **HJR 27, HJR 36, HJR 39, SB 81, SB 134, SB 147, SB 155, SB 213, SB 219, SB 232, SB 237, SB 243, SB 254, SB 272, SB 285, SB 301, SB 314, SB 332, SB 336, SB 337, SB 338, SB 360, SB 376, SJR 8, SJR 10.**

Correctly engrossed: **SB 224, SB 231, SB 272, SB 284, SB 318, SB 357.**

Transmitted to the Senate: **SB 301, SB 314, SB 337, SB 338, SB 360, SJR 8, SJR 10.**

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Lenz, Chair): 4/13/2021
SB 357, be amended as follows:

1. Page 21.

Following: line 23

Insert: "COORDINATION SECTION. Section 14. Coordination instruction. If both House Bill No. 210 and [this act] are passed and approved and both bills contain a section that amends 37-15-314, then the sections amending 37-15-314 are void and 37-15-314 must be amended as follows:

"37-15-314. Telepractice -- authorization -- licensure Telehealth -- authorization -- assistants. (1) An audiologist, ~~or speech-language pathologist,~~ speech-language pathology assistant, or audiology assistant who is licensed under and meets the requirements of this chapter may engage in ~~telepractice~~ telehealth in Montana without obtaining a separate or additional license from the board.

(2) Except as provided in 37-15-103, an audiologist, ~~or speech-language pathologist,~~ speech-language pathology assistant, or audiology assistant who is not a resident of Montana and who is not licensed under this chapter may not provide services to patients in Montana through ~~telepractice~~ telehealth without first obtaining a license from the board in accordance with this part.

(3) An audiology ~~aide or assistant~~ or a speech-language pathology ~~aide or assistant~~ may ~~not engage in telepractice telehealth. This section does not prohibit an audiology aide or assistant or a speech-language pathology aide or assistant from serving as a facilitator or provide other services as directed by a speech-language pathologist or audiologist that otherwise comply with board rules for scope of practice by speech-language pathology assistants and audiology assistants."~~

And, as amended, be concurred in. Report adopted.

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TAXATION (Beard, Chair): 4/14/2021
SB 263, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/12/2021

HB 300, introduced by J. Schillinger
HB 302, introduced by J. Kassmier

House joint resolution concurred in and returned to the House: 4/12/2021

HJR 8, introduced by F. Garner

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/12/2021

HB 276, introduced by M. Caferro
HB 365, introduced by J. Trebas
HB 423, introduced by D. Lenz
HB 449, introduced by F. Garner
HB 462, introduced by M. Stromswold
HB 479, introduced by K. Sullivan
HB 501, introduced by J. Trebas
HB 539, introduced by B. Usher

House bill not concurred in and returned to the House: 4/12/2021

HB 476, introduced by K. Whitman

House amendments to Senate bills concurred in: 4/12/2021

SB 106, introduced by W. Sales
SB 163, introduced by C. Glimm
SB 309, introduced by W. Sales

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 40, introduced by B. Mercer, K. Seekins-Crowe, B. Tschida, referred to Judiciary.
HJR 41, introduced by J. Trebas, referred to Judiciary.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tschida in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 63 - Senate Amendments - Representative Dooling moved Senate amendments to **HB 63** be **not** concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: Buttrey, Farris-Olsen, Olsen.

Total 3

Voted absentee: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

HB 178 - Senate Amendments - Representative Bedey moved Senate amendments to **HB 178** be **not** concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf,

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Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

HB 555 - Senate Amendments - Representative M. Regier moved Senate amendments to **HB 555** be **not** concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

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SB 164 - Representative Fielder moved **SB 164** be concurred in. Motion **failed** as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 48

Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 52

Voted absentee: Greef, Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 165 - Representative Gunderson moved **SB 165** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 51

Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Funk, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 49

Voted absentee: Greef, Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

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Absent or not voting: None.

Total 0

SB 172 - Representative Galloway moved **SB 172** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 173 - Representative M. Regier moved **SB 173** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Whitman, Zolnikov, Mr. Speaker.

Total 59

Nays: Abbott, Bedey, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Funk, Garner, Hamilton, Harvey, Hawk, Hayman, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Windy Boy.

Total 41

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Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 185 - Representative Galloway moved **SB 185** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Olsen.

Total 1

SB 224 - Representative Putnam moved **SB 224** be concurred in.

SB 224 - Speaker Pro Tempore Knudsen moved **SB 224**, second reading copy, be amended as follows:

1. Title, line 14 through line 15.

Strike: "INCREASING" on line 14 through "CANDIDATES;" on line 15

2. Title, line 18.

Following: "CANDIDATES;"

Insert: "REPEALING AGGREGATE CONTRIBUTION LIMITS RECEIVED BY CERTAIN CANDIDATES;"

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3. Title, line 18 through line 19.

Strike: "13-37-218,"

4. Title, line 19.

Strike: "SECTION"

Insert: "SECTIONS"

5. Title, line 20.

Strike: ","

Insert: "AND 13-37-218,"

6. Page 11, line 5.

Strike: "\$750"

Insert: "\$1,000"

7. Page 11, line 7.

Strike: "\$500"

Insert: "\$700"

8. Page 11, line 17.

Strike: "\$27,000"

Insert: "\$100,000"

9. Page 11, line 19.

Strike: "\$9,000"

Insert: "\$75,000"

10. Page 11, line 20.

Strike: "\$4,000"

Insert: "\$15,000"

11. Page 11, line 21.

Strike: "\$2,000"

Insert: "\$3,000"

12. Page 11, line 22.

Strike: "\$1,500"

Insert: "\$2,000"

13. Page 12, line 9 through line 19.

Strike: section 4 in its entirety

Renumber: subsequent sections

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14. Page 20, line 13.

Strike: "section"

Insert: "sections"

15. Page 20, line 14.

Strike: "is"

Insert: "are"

16. Page 20.

Following: line 15

Insert: "13-37-218. Limitations on receipts from political committees."

Amendment adopted as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Buckley, Mercer.

Total 2

SB 224 - Representative Putnam moved **SB 224**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M,

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Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 69

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Garner, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 231 - Representative Malone moved **SB 231** be concurred in.

SB 231 - Representative Malone moved **SB 231**, second reading copy, be amended as follows:

1. Page 3, line 3 through line 5.

Strike: ":" on line 4 through "(II) THE" on line 5

Amendment adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 92

Nays: Curdy, Dunwell, France, Hayman, Kortum, Olsen, Whiteman Pena, Windy Boy.

Total 8

Voted absentee: Greef, Weatherwax, Aye.

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Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 231 - Representative Bedey moved **SB 231**, second reading copy, be further amended as follows:

1. Page 3, line 7.

Strike: "."

Insert: "; and

(c) a division of land transferred to an immediate family member pursuant to subsection (1)(b) may be owned jointly with that immediate family member's spouse."

2. Page 3, line 21.

Following: "member"

Insert: "or the spouse of an immediate family member"

Amendment adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Smith.

Total 1

Voted absentee: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

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SB 231 - Representative Malone moved **SB 231**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gist, Greef, Gunderson, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 68

Nays: Abbott, Bishop, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Gillette, Hamilton, Hayman, Kelker, Keogh, Kortum, Marler, Mercer, Moore, Nave, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 31

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.
Total 2

Absent or not voting: Karjala.
Total 1

SB 260 - Representative Buttrey moved **SB 260** be concurred in.

SB 260 - Representative Mercer moved **SB 260**, second reading copy, be amended as follows:

1. Title, line 8 through line 9.

Strike: "PROVIDING" on line 8 through "EXCEPTIONS;" on line 9

Insert: "PROVIDING DEFINITIONS; PROVIDING FOR PROTECTION OF PROPERTY INTERESTS; REQUIRING AN ANALYSIS BY THE ATTORNEY GENERAL RELATING TO TAKINGS OF PROPERTY; AND"

2. Title, line 10.

Following: "MCA"

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 1, line 12 through line 19.

Strike: line 12 through "purposes." on line 19

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4. Page 1, line 24.

Following: "exist."

Strike: "(1)"

5. Page 1, line 25.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

6. Page 2, line 11 through page 3, line 28.

Strike: subsections (2) through (7) in their entirety

7. Page 3.

Following: line 28

Insert: "NEW SECTION. **Section 2. Declaration of purpose.** The purpose of this chapter is to establish an orderly, consistent review process that better enables state agencies to evaluate whether proposed regulatory or administrative actions may result in a taking of private property without due process of law. It is not the purpose of this chapter to expand or reduce the scope of private property protections provided in the state and federal constitutions."

Insert: "NEW SECTION. **Section 3. Definitions.** As used in this chapter the following definitions apply:

(1) "Private property" means all property described in 70-1-104.

(2) "Regulatory taking" means a regulatory or administrative action resulting in deprivation of private property that is the subject of such action, whether such deprivation is total or partial, permanent or temporary, in violation of the state or federal constitution.

(3) "State agency" means the state of Montana and any officer, agency, board, commission, department, governmental entity, or similar body of the executive branch of the state government."

Insert: "NEW SECTION. **Section 4. Protection of private property.** (1) The attorney general shall establish a process, including a checklist, that enables a state agency to evaluate proposed regulatory or administrative actions to ensure that the actions do not result in an unconstitutional taking of private property. The attorney general shall review and update the process at least on an annual basis to maintain consistency with changes in law. All state agencies shall follow the guidelines of the attorney general.

(2) An owner of private property that is the subject of such action may submit a written request with a state agency to analyze the questions on the checklist before undertaking the regulatory or administrative action. Before making a final decision concerning the matter at issue, the state agency shall prepare a written taking analysis concerning the action. Any regulatory taking analysis prepared shall comply with the process set forth in this chapter, including use of the checklist developed by the attorney general pursuant to subsection (1) and shall be provided to the private property owner no later than 42 days after the date of filing the request with the state agency whose action is questioned. A regulatory taking analysis prepared pursuant to this section is considered public information.

(3) (a) The checklist must contain the following questions that must be considered in any regulatory takings analysis:

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- (i) Does the regulation or action result in either a permanent or temporary physical occupation of private property?
 - (ii) Does the regulation or action require a property owner to either dedicate a portion of property or to grant an easement?
 - (iii) Does the regulation deprive the owner of all economically viable uses of the property?
 - (iv) Does the regulation have a significant impact on the landowner's economic interest?
 - (v) Does the regulation deny a fundamental attribute of ownership?
 - (vi) Does the regulation serve the same purpose that would be served by directly prohibiting the use or action?
 - (vii) Does the condition imposed substantially advance that purpose?
- (b) The attorney general may include additional questions in the checklist on an annual basis.
- (4) A governmental action is voidable if a written taking analysis is not prepared after a request has been made pursuant to this chapter. A private property owner whose property is the subject of governmental action and who is affected by a governmental action without the preparation of a requested taking analysis as required by this section may seek a judicial determination of the validity of the governmental action by initiating a declaratory judgment action or other appropriate legal procedure. An action seeking to invalidate a governmental action for noncompliance with subsection (2) must be filed in a district court in the county in which the private property owner's affected private property is located. If the affected property is located in more than one county, the private property owner may file suit in any county in which the affected private property is located.
- (5) During the preparation of the taking analysis, any time limitation relevant to the regulatory or administrative actions is tolled. The tolling ceases when the taking analysis has been provided to the property owner. Both the request for a taking analysis and the taking analysis must be part of the official record regarding the regulatory or administrative action.
- (6) A private property owner is not required to submit a request under this chapter. The decision by the private property owner not to submit a request under this chapter may not prevent or prohibit the private property owner from seeking any legal or equitable remedy including, but not limited to, the payment of just compensation."

Renumber: subsequent sections

8. Page 4, line 2 through line 6.

Strike: section 2 and 3 in their entirety

9. Page 4.

Following: line 7

Insert: "NEW SECTION. **Section 5. Codification instruction.** [Sections 2 through 4] are intended to be codified as an integral part of Title 71, chapter 1, and the provisions of Title 71, chapter 1, apply to [sections 2 through 4]."

10. Page 4, line 8 through line 9.

Strike: section 4 in its entirety

Amendment adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster,

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Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 91

Nays: Farris-Olsen, Fielder, Marler, Mitchell, Olsen, Reksten, Sheldon-Galloway, Skees, Tenenbaum.

Total 9

Voted absentee: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 260 - Representative Buttrey moved **SB 260**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Bedey, Berglee, Bertoglio, Brewster, Buttrey, Carlson, Dooling, Fitzgerald, Fleming, Frazer, Fuller, Garner, Gillette, Greef, Holmlund, Hopkins, Jones, Kassmier, Knudsen C, Knudsen R, Ler, Loge, Malone, McKamey, Mercer, Nave, Noland, Patelis, Phalen, Putnam, Read, Ricci, Schillinger, Seekins-Crowe, Smith, Stromswold, Trebas, Walsh, Welch, Whitman, Mr. Speaker.

Total 41

Nays: Abbott, Anderson, Bartel, Beard, Binkley, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Duram, Farris-Olsen, Fern, Fielder, France, Funk, Galloway, Gist, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Karjala, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Kortum, Lenz, Marler, Marshall, Mitchell, Moore, Novak, Olsen, Regier A, Regier M, Reksten, Running Wolf, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Tschida, Usher, Vinton, Weatherwax, Whiteman Pena, Windy Boy, Zolnikov.

Total 59

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

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SB 284 - Representative Fitzgerald moved **SB 284** be concurred in.

SB 284 - Representative Fitzgerald moved **SB 284**, second reading copy, be amended as follows:

1. Page 1, line 25.

Strike: "is"

Insert: "may be"

Amendment adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: Marler, Smith.

Total 2

Voted absentee: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 284 - Representative Fitzgerald moved **SB 284**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

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Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Moore, Novak, Olsen, Regier A, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 35

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SJR 1 - Representative Skees moved **SJR 1** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SJR 7 - Representative Walsh moved **SJR 7** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell,

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Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 68

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SJR 17 - Representative Duram moved **SJR 17** be concurred in. Motion carried as follows:

Yeas: Abbott, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dunwell, Duram, Farris-Olsen, Fitzgerald, Frazer, Funk, Galloway, Garner, Greef, Gunderson, Hamilton, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Loge, Marshall, McKamey, Mercer, Moore, Nave, Noland, Olsen, Patelis, Phalen, Putnam, Read, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Smith, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Anderson, Bartel, Beard, Bedey, Berglee, Carlson, Dooling, Fern, Fielder, Fleming, France, Fuller, Gillette, Gist, Harvey, Hayman, Kassmier, Keane, Lenz, Ler, Malone, Marler, Mitchell, Novak, Regier A, Regier M, Reksten, Skees, Stafman, Stewart Peregoy, Tschida, Usher, Weatherwax, Whiteman Pena, Windy Boy.

Total 35

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

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Majority Leader Vinton moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Tschida moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Anderson, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Gunderson, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 80

Nays: Abbott, Bartel, Bishop, Dunwell, Farris-Olsen, France, Hamilton, Harvey, Hayman, Karjala, Kortum, Marler, Olsen, Stewart Peregoy, Tschida, Whiteman Pena, Windy Boy.
Total 17

Voted absentee: None.

Excused: Greef, Weatherwax.
Total 2

Absent or not voting: Noland.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 90 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 97

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Nays: None.

Total 0

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

HB 179 passed as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gist, Gunderson, Hamilton, Hawk, Hayman, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 79

Nays: Bartel, Duram, Fielder, Galloway, Gillette, Harvey, Hill, Hinkle C, Hinkle J, Karjala, Kerns, Mitchell, Moore, Olsen, Reksten, Sheldon-Galloway, Skees, Whiteman Pena.

Total 18

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

HB 331 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold,

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Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 95

Nays: Kortum, Olsen.

Total 2

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

HB 333 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 94

Nays: Caferro, Hinkle J, Tenenbaum.

Total 3

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SB 301 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns,

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Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SB 314 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 62

Nays: Abbott, Bertoglio, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Nave, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.

Total 35

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

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SB 337 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SB 338 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: None.

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Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SB 360 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 71

Nays: Abbott, Bishop, Caferro, Dunwell, Farris-Olsen, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.

Total 26

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SJR 8 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler,

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Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane,
Whiteman Pena, Windy Boy.
Total 31

Voted absentee: None.

Excused: Greef, Weatherwax.
Total 2

Absent or not voting: Novak.
Total 1

SJR 10 concurred in as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Gunderson, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 91

Nays: Dunwell, Farris-Olsen, Hamilton, Kortum, Marler, Tenenbaum.
Total 6

Voted absentee: None.

Excused: Greef, Weatherwax.
Total 2

Absent or not voting: Novak.
Total 1

MOTIONS

Majority Leader Vinton moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate Amendments to **HB 63** and request the Senate to appoint a like committee. Without objection, Speaker Galt appointed:

Representative Dooling
Majority Leader Vinton
Representative Sullivan

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Majority Leader Vinton moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate Amendments to **HB 178** and request the Senate to appoint a like committee. Without objection, Speaker Galt appointed:

Representative Bedey
Representative Bertoglio
Representative Running Wolf

Majority Leader Vinton moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate Amendments to **HB 555** and request the Senate to appoint a like committee. Without objection, Speaker Galt appointed:

Representative M. Regier
Representative Mercer
Representative Farris-Olsen

Majority Leader Vinton moved the Speaker be authorized to appoint a Joint Select Committee on Judicial Transparency and Accountability to meet with a like committee from the Senate. Without objection, Speaker Galt appointed:

Majority Leader Vinton
Minority Leader Abbott
Representative A. Regier

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Jones, Chair):
SB 272, be amended as follows:

4/14/2021

1. Page 1, line 13.

Strike: "17"

Insert: "18"

2. Page 1.

Following: line 27

Insert: "(j) one member representing the legislative branch, appointed by the legislative branch information technology planning council;"

Renumber: subsequent subsections

3. Page 2.

Following: line 3

Insert: "(l) one member representing K-12 education, appointed by the superintendent of public instruction;"

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

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JUDICIARY (Usher, Chair):
SB 318, be amended as follows:

4/14/2021

Following: "SETTING;"

Insert: "REQUIRING A JUDICIAL OFFICER TO DISQUALIFY THE JUDICIAL OFFICER IN CERTAIN PROCEEDINGS; PROVIDING FOR ENFORCEMENT OF COMPLAINTS AGAINST JUDICIAL OFFICERS; PROVIDING RULEMAKING AUTHORITY;"

2. Title, line 6.

Following: "SECTIONS"

Insert: "2-2-136"

3. Title, line 6.

Following: "3-1-604"

Insert: ","

4. Page 1.

Following: line 10

Insert: "Section 1. Section 2-2-136, MCA, is amended to read:

"2-2-136. Enforcement for state officers, legislators, and state employees -- referral of complaint involving county attorney. (1) (a) A person alleging a violation of this part or [section 4] by a state officer, legislator, judicial officer, or state employee may file a complaint with the commissioner of political practices. The commissioner does not have jurisdiction for a complaint concerning a legislator if a legislative act is involved in the complaint. The commissioner also has jurisdiction over complaints against a county attorney that are referred by a local government review panel pursuant to 2-2-144 or filed by a person directly with the commissioner pursuant to 2-2-144(6). If a complaint is filed against the commissioner or another individual employed in the office of the commissioner, the complaint must be resolved in the manner provided for in 13-37-111(5).

(b) The commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation of this part.

(c) The commissioner may dismiss a complaint that is frivolous, does not state a potential violation of this part or [section 4], or does not contain sufficient allegations to enable the commissioner to determine whether the complaint states a potential violation of this part.

(d) When a complaint is filed, the commissioner may issue statements or respond to inquiries to confirm that a complaint has been filed, to identify against whom it has been filed, and to describe the procedural aspects and status of the case.

(2) (a) If the commissioner determines that the complaint states a potential violation of this part or [section 4], the commissioner shall hold an informal contested case hearing on the complaint as provided in Title 2, chapter 4, part 6. However, if the issues presented in a complaint have been addressed and decided in a prior decision and the commissioner determines that no additional factual development is necessary, the commissioner may issue a summary decision without holding an informal contested case hearing on the complaint.

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(b) Except as provided in 2-3-203, an informal contested case proceeding must be open to the public. Except as provided in Title 2, chapter 6, part 10, documents submitted to the commissioner for the informal contested case proceeding are presumed to be public information.

(c) The commissioner shall issue a decision based on the record established before the commissioner. The decision issued after a hearing is public information open to inspection.

(3) (a) Except as provided in subsection (3)(b), if the commissioner determines that a violation of this part or [section 4] has occurred, the commissioner may impose an administrative penalty of not less than \$50 or more than \$1,000.

(b) If the commissioner determines that a violation of 2-2-121(4)(b) has occurred, the commissioner may impose an administrative penalty of not less than \$500 or more than \$10,000.

(c) If the violation was committed by a state employee, the commissioner may also recommend that the employing state agency discipline the employee. The employing entity of a state employee may take disciplinary action against an employee for a violation of this part, regardless of whether the commissioner makes a recommendation for discipline.

(d) The commissioner may assess the costs of the proceeding against the person bringing the charges if the commissioner determines that a violation did not occur or against the officer or employee if the commissioner determines that a violation did occur.

(4) A party may seek judicial review of the commissioner's decision, as provided in Title 2, chapter 4, part 7, after a hearing, a dismissal, or a summary decision issued pursuant to this section.

(5) The commissioner may adopt rules to carry out the responsibilities and duties assigned by this part and [section 4]."

Renumber: subsequent sections

5. Page 1.

Following: line 22

Insert: "NEW SECTION. Section 4. Judicial conflict of interest -- recusal -- definition. (1) A judicial officer shall disqualify the judicial officer in any proceeding in which the judicial officer's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(a) the judicial officer has a personal bias or prejudice concerning a party or a party's lawyer or personal knowledge of facts that are in dispute in the proceeding;

(b) the judicial officer knows that the judicial officer, the judicial officer's spouse or domestic partner, a person within the third degree of relationship to either the judicial officer or the judicial officer's spouse or domestic partner, or the spouse or domestic partner of a person within the third degree of relationship to either judicial officer or the judicial officer's spouse or domestic partner is:

(i) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

(ii) acting as a lawyer in the proceeding;

(iii) a person who has more than a de minimus interest that could be substantially affected by the proceeding; or

(iv) likely to be a material witness in the proceeding;

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(c) the judicial officer knows that the judicial officer, individually or as a fiduciary, or the judicial officer's spouse or domestic partner, parent, child, or any other member of the judicial officer's family residing in the same household has an economic interest in the subject matter in a controversy or in a party to the proceeding;

(d) the judicial officer, while a judicial officer or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy;

(e) the judicial officer:

(i) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during the association;

(ii) served in governmental employment and in that capacity participated personally and substantially as a lawyer or public official concerning the proceeding, or has publicly expressed in that capacity an opinion concerning the merits of the particular matter in controversy;

(iii) was a material witness concerning the matter;

(iv) previously presided as a judicial officer over the matter in another court; or

(v) has received a campaign contribution from a lawyer or party to the proceeding.

(f) a lawyer or party to the proceeding has made a contribution to a political committee or other entity that engaged in independent expenditures that supported the judicial officer or opposed the judicial officer's opponent in an election;

(2) A judicial officer shall keep informed about the judicial officer's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the judicial officer's spouse or domestic partner and minor children residing in the judicial officer's household.

(3) A judicial officer subject to disqualification under this section, other than for bias or prejudice, may disclose in writing or on the record the basis of the judicial officer's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judicial officer and court personnel, whether to waive disqualification. If, following disclosure, the parties and lawyers agree, without participation by the judicial officer or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding.

(4) For the purposes of this section, "judicial officer" has the meaning provided in 1-1-202."

Insert: "NEW SECTION. Section 5. Codification instruction. [Section 4] is intended to be codified as an integral part of Title 2, chapter 2, and the provisions of Title 2, chapter 2, apply to [section 4]."

Insert: "NEW SECTION. Section 6. {standard} Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 344, be concurred in. Report adopted.

SB 365, be concurred in. Report adopted.

SB 370, be concurred in. Report adopted.

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ANNOUNCEMENTS

Representative Mercer arose on a **Point of Personal Privilege** To introduce Bob Brown. The House recognized Mr. Brown for his commendable service as a past Representative and Secretary of State.

Representative Dunwell arose on a **Point of Personal Privilege** to recognize Minority Leader Abbott's birthday.

Committee meetings were announced by the committee chairs.

Majority Leader Vinton moved the House adjourn until 1:00 p.m., Thursday, April 15, 2021. Motion carried.

House adjourned at 3:33 p.m.

CAROLYN TSCHIDA
Chief Clerk of the House

WYLIE GALT
Speaker of the House